

Board of County Commissioners

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January 20, 2000

FEB 29 2000

Wendy R. Dixon, EIS Project Manager
Yucca Mountain Site Characterization Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
P.O. Box 30307, Mail Stop 010
North Las Vegas, NV 89036-0307

RE: Comments to Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada

Dear Ms. Dixon:

Attached are the comments of the Board of Eureka County Commissioners regarding the Draft Environmental Impact Statement for a Geologic Repository for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain, Nye County, Nevada.

We are submitting these comments as an "affected unit of local government" pursuant to the Nuclear Waste Policy Act as amended, and in accordance with the requirements of the National Environmental Policy Act (NEPA).

1 Our comments consist of the attached document, together with several exhibits. One of our exhibits is the videotape of the DOE's Draft EIS hearings in Crescent Valley, Eureka County, Nevada on December 9, 1999. Please make the enclosed five (5) videotapes and their contents, including the question and answer sessions, part of our official comments. Our purpose in submitting detailed comments and the videotapes is to ensure that DOE has a full understanding of Eureka County's concerns about the proposed Yucca Mountain project and the Draft EIS.

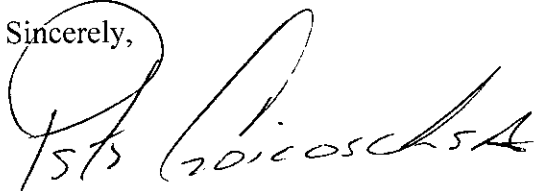
2 We believe that the DEIS is lacking in many areas. Of obvious concern is that DOE has stated in the EIS that decisions about mode, route and corridors would be made based only on the information in the EIS. This information is insufficient for decision making. Eureka County is calling upon the DOE to issue a new draft EIS which would provide the detailed information now lacking. It is also essential that the new draft be available for public comment and subject to public hearings.

3

Eureka County is requesting that DOE meet with affected units of local government to discuss how the Department intends to revise the DEIS in response to local government comments. Such a meeting will provide DOE with the opportunity to confirm their understanding of the local government comments before completing the revised DEIS.

Should you have questions or need information concerning these comments, please contact Leonard Fiorenzi at 775/237-5372 or Abby Johnson at 775/882-0296.

Sincerely,

A handwritten signature in dark ink, appearing to read "Pete Goicoechea". The signature is written in a cursive, flowing style. The first part of the signature is circled in ink.

Pete Goicoechea
Chairman

cc: Leonard Fiorenzi
Abby Johnson
John Ballietto
Ted Beutel
AULGs
Nevada Nuclear Waste Project Office
NRC
EPA
Nuclear Waste Technical Review Board
John Garrick, ACNW

February 28, 2000

**Comments of Eureka County, Nevada:
Draft Environmental Impact Statement for a Geologic Repository
for the Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, Nevada
(U.S. Department of Energy, July 1999)**

I. GENERAL COMMENTS

A. Impacts of Transportation Aspects of Proposed Action

4 Disclosure inadequate. The Draft Environmental Impact Statement (DEIS)* does not include enough information to support a decision on modes, routes, or corridors for the transportation of spent nuclear fuel (SNF) and high-level radioactive waste (HLW). Specifically, the document contains inadequate information for a decision to select the Carlin rail corridor (which would pass through Eureka County) or any other mode, route, or corridor.

The DEIS must disclose that potential transportation impacts of the proposed action would be concentrated in Nevada and could result in numerous environmental impacts, as discussed later in this document. The DEIS must not only disclose the potential environmental impacts for shipments along the five rail corridors, the heavy-haul truck routes, and I-15 in southern Nevada, but also for any alternative Nevada routes that would be used during system repair, maintenance, and construction; during weather emergencies; or for the mostly legal-weight truck scenario.

The DEIS omits essential information regarding the affected environment and the anticipated environmental impacts. It must specifically identify and describe: (1) the national transportation routes over which SNF and HLW would travel to Yucca Mountain and (2) the main national transportation nodes and the numbers of shipments that would pass through them. Since computer models used to prepare the DEIS contain such information, the DEIS should have disclosed it so that the public would have a full opportunity to review and comment upon it.

The DEIS must specifically consider the impacts of the transportation elements of the proposed action upon the nation's and Nevada's transportation systems. It must, for example, analyze impacts upon transportation systems of: (1) an accident involving radiation release on main national routes, (2) storage of rail cars carrying SNF and HLW on rail sidings for extended periods of time, and (3) routing of dedicated trains subject to speed restrictions.

5... Analysis must not be postponed. Although the Department of Energy (DOE) says it does not know when it will make the transportation decision, transportation is integral to the project and must be fully covered in the DEIS. Disclosures of transportation impacts must not be postponed

* See Exhibit A for a complete list of acronyms used in these comments.

5 to a later date. In addition, future decisions must not rely on the sketchy, inadequate information
 6 contained in the DEIS. Although the potential for environmental impacts from the transportation
 aspects of the proposed action is as great as for the repository itself, the analysis of transportation
 impacts is sadly lacking in depth and quality.

6 Emergency Response. The DEIS fails to adequately analyze potential impacts on local
 governments for emergency response activities related to shipments of SNF and HLW. It fails to
 describe baseline conditions for emergency response services, and lacks any meaningful
 discussion of emergency response needs or capabilities as they relate to local governments. The
 DEIS must address the availability and capabilities of emergency response services, existing and
 required.

7 Also, the DEIS does not adequately analyze increased exposure of and health risks to emergency
 first responders to transportation accidents. Local emergency personnel are likely to be the first
 to respond to transportation incidents. A wide range of response capabilities (i.e., personnel,
 training, equipment, and policies) exist along transportation routes nationally and in Nevada.

8 Environmental justice. The DEIS inadequately analyzes the project impacts in relation to
 environmental justice in Nevada as well as nationally. It relies on outdated census data for
 Nevada, and concludes that impacts to minority and low income persons will not be
 disproportionately adverse. Eureka County disagrees, since persons who reside in rural areas are
 often of lower income. Because of the nature of rural life, communities are dispersed, rather
 than concentrated. Given the limited political power of rural communities, they are often
 targeted for unwanted projects--projects that are dangerous, hazardous, and that no other area
 would tolerate.

The Yucca Mountain repository is an excellent example of this type of "justice." The DOE's
 risk models are based on avoiding urban areas, and presume that risks from the project should be
 borne by rural people.

Eureka County understands the President's Executive Order (February 16, 1994) to mean that the
 DOE should consider the effects of past programs and policies on communities, as well as the
 additional impacts of the Yucca Mountain project. Especially regarding public health impacts
 from exposure to radiation, the DOE must go beyond the minimal analysis in the DEIS. Rural
 low income populations received damaging doses of radiation in the 1950s and 1960s from
 above-ground and underground nuclear weapons tests conducted by the DOE's predecessor, the
 Atomic Energy Commission. The DOE must take these disproportionately high adverse health
 and environmental impacts of its programs, policies, and activities into consideration.

9... **B. Purpose and Need**

The DEIS is confusing and misleading as to the future generation of SNF and HLW. In the
 discussion of the no-action alternative, the DEIS says that all nuclear power plants will be closed
 by 2116 (p. 7-28), that decommissioning will occur in 2052 (p. 7-29), and that nuclear power
 plants would be closed after the first 20-year license renewal period (pp. 7-43 and -44). The

9 cumulative impact analysis considers SNF generated until the year 2046, and says that Modules 1 and 2 represent "all" projected SNF and HLW (p. 8-5). No such statements are made regarding the proposed action.

If the DOE proposes to close all commercial nuclear power plants by a certain year, this must be explicitly stated as part of the proposed action. Otherwise, both the proposed action and the no-project alternative must consider SNF and HLW generated after that year. As presently written, the analysis of the proposed action does not account for 35,000 tons of SNF and HLW generated through 2046, over and above 70,000 tons that would be placed at Yucca Mountain. Nor does the DEIS account for SNF and HLW generated after 2046. Because of these errors, the DEIS greatly underestimates the costs of the proposed action (see Table 2-5) and its environmental impacts.

10 C. No-Action Alternative

No-action alternative dismissed. The DEIS must include a realistic no-action alternative. The DEIS says repeatedly that the no-action scenarios are unlikely and unreasonable, yet it says they provide a baseline for comparison. The no-action alternative is simply the absence of the proposed action; it must be described fully and analyzed fairly using consistent assumptions regarding institutional controls and all other relevant factors.

Affected environment not described. According to the DEIS (p. 3-140), the description of the affected environment for the no-action alternative "describes the affected environment that reflect [sic] the average or mean conditions of the sites." For this purpose, "average" conditions mean nothing and provide no information that a person could use to evaluate the no-action alternative. The DOE (presumably) knows, and must disclose, the existing conditions in the vicinity of the sites that generate SNF and HLW. Without a description of the affected environment, no meaningful analysis of anticipated impacts is possible.

11 D. Anticipated Environmental Impacts

Regions of influence arbitrarily drawn. The DEIS does not explain the rationale for its definitions of the regions of influence in various impact areas. Until reasons for these definitions are provided, the choices are arbitrary. The proposed action is not a conventional federal action. It has the potential to affect almost every state for hundreds of future generations. Therefore, the DOE must consider regions of influence carefully and draw them broadly. For example, air pollution and radiological regions of influence must include areas downwind from Yucca Mountain and from all potential transportation corridors in Nevada and elsewhere.

12... E. Mitigation

For a unique, unprecedented federal action that would affect 43 states for an extremely long time, the DEIS fails to identify adequate impact mitigation. Among other needs, the mitigation program must include compensation for takings of private property rights, as required by the *Constitution of the United States*. It must also include a special trust or escrow account for

12 prompt and complete compensation to persons affected by radiation along transportation routes,
as well as a baseline health assessment to enable the identification of such effects.

13 **F. Consultation**

The DOE has failed to cooperate and consult adequately with federal agencies, specifically the Navy, the U.S. Forest Service (USFS), the Bureau of Land Management (BLM), the Surface Transportation Board, the Federal Highway Administration, the Federal Railroad Administration, and the Federal Aviation Administration (FAA). It has not consulted adequately with the railroad industry. The regulations implementing the National Environmental Policy Act (NEPA) require such consultation.

Appendix C, Interagency and Intergovernmental Interactions, summarizes the DOE's consultations in relation to this DEIS. The DOE correctly identifies the many interests of the BLM, including land withdrawal, management of land for transportation corridors, and rights-of-way and easements for transportation. Eureka County notes that the comments of the Secretary of the Interior must be included with the Secretary of Energy's recommendations to the President. Despite the BLM's major role, the DOE met with the BLM only once, on September 15, 1998, and only to brief them. This is an inadequate and unacceptable level of consultation.

The DEIS reflects that the DOE has not gathered the kinds of information it needs from the BLM and the USFS to analyze the rail routes, specifically, in a comprehensive manner. The lack of ongoing consultation with the BLM is evident. Significantly, the DEIS summary does not indicate that the DOE received any information from the BLM.

Table C-1 also indicates there was no consultation or interaction with the Federal Highway Administration or the Federal Railroad Administration, both of which should be consulted about a national shipping campaign spanning 24 years and 43 states. There is no mention of interaction with other non-governmental organizations who have specialized information, such as railroad and trucking trade associations.

Two federal offices notably absent from the consultation are the FAA and the U.S. Navy. Although the DEIS says the DOE consulted with the Air Force on land use and airspace impacts, the DOE did not consult with the Navy or with the FAA, which oversees airspace restrictions. The Fallon Naval Air Station's most recent environmental documents indicate that now and in the foreseeable future, lands being considered for rail routes are also being selected for Navy overflight areas (where there is a risk of ordnance and aircraft parts falling to the ground) and for the installation of fixed and mobile equipment. The lack of consultation with the Navy is a significant oversight and (as discussed later in this document) the DEIS fails to disclose the cumulative impacts of the DOE's and the Navy's actions.

14 **G. Other General Comments**

Procedural Issues. The DEIS, which is inadequate in very many respects, creates difficult legal and procedural issues for Eureka County, especially since the DOE says it will rely on this inadequate disclosure to make transportation-related decisions. The DEIS does not provide

6

14 enough information to support a decision on transportation modes, routes, or corridors, nor does it provide essential information regarding available administrative remedies. Thus, the DEIS violates the principle of due process.

Regarding the transportation elements of the proposed action, the DEIS must specifically disclose: (1) the identity of all federal approvals that DOE or its agents must obtain to construct and operate those elements, as required by 40 CFR 1502.25(b), (2) the steps the DOE will follow to satisfy the requirements of NEPA, and (3) the procedural requirements Eureka County must satisfy to protect its legal rights to appeal each required federal approval and each action of the DOE under NEPA.

Since the DEIS is inadequate in so many respects, the DOE must issue a new, revised DEIS and give the public new opportunities to comment, including public hearings. If, despite the inadequacies of the DEIS, the DOE decides to proceed with the preparation of a FEIS at this time, Eureka County reserves the right to make additional comments before the final decision, as provided for in 40 CFR 1503.1(b).

15 Bias. Both in general approach and specific language, the DEIS reflects a bias toward implementation of the proposed action. It dismisses the no-action alternative, includes many unsupported conclusions, and either writes off or postpones analysis of important impacts. Numerous examples of biased language (e.g., "permanent isolation," "useful information," "detailed descriptions") can be cited.

16 Pending standards and changing guidelines. The disclosure of the DEIS is seriously flawed because it does not address the U.S. Environmental Protection Agency's (USEPA's) pending standards for protecting public health and safety in relation to a repository at Yucca Mountain. The disclosure also fails to address the DOE's decision to amend its repository siting guidelines during the comment period on the DEIS. Both of these flaws present the public with a moving target and contradict the concept of due process.

17 Summary tables. The DEIS fails to include summary tables showing, for example, latent cancer fatalities (LCFs) for all alternatives and scenarios in one table, using consistent units. In Volume I alone, the reader must consider over 700 pages of text and almost 300 tables, making summary-level comparisons difficult if not impossible.

Additional comments and information. See Exhibit B for additional comments on the DEIS submitted by Eureka County property owners presently residing outside Eureka County. See Exhibit C for a list of reference materials specific to Eureka County, to which the DOE should refer during preparation of a revised DEIS.

II. SPECIFIC COMMENTS

A. Purpose and Need for Agency Action (Chapter 1)

Research and development. The DEIS does not adequately consider the effects of future research and development (R&D) activities on the need for the proposed action. For example, the DEIS says that development of new technology is not included in the no-action alternative because it is speculative. (p. 1-21) There are many speculative aspects of the proposed action, and development of such technology as transmutation could reduce or eliminate the need for a geologic repository, with its numerous attendant costs and impacts.

Perceived risk. The DOE decided not to analyze risk perception and stigmatization issues raised during the scoping process for the DEIS. (p. 1-23) However, a perception that the geologic repository would make Nevada less desirable for tourists or business strikes at the heart of Nevada's tourism-based economy. Similarly, a perception that transportation corridors for SNF and HLW make adjoining private property less safe or less valuable threatens to degrade the fiscal health of local governments, such as Eureka County. Clearly, such perceptions are real and can have real economic effects. Note, for example, that the brownfields programs of the USEPA and many individual states exist largely to counteract the *perceived* risk of site contamination by hazardous materials, which deters investment and wastes valuable resources.

For the Clinch River, TN, monitored retrievable storage (MRS) facility, the DEIS identifies concerns and potentially negative impacts on business recruitment and expansion, residential recruitment and retention, tourism, aesthetics, and other issues. (p. 7-2) The DEIS says these are "relevant environmental considerations" regarding the no-project alternative. (p. 7-1) As already noted, the DOE decided not to analyze risk perception in the case of the proposed action. The DOE's explanation of this decision is inadequate, and the DEIS should analyze perceived risk for this unconventional and unprecedented project.

Related Environmental Documents. The list of related environmental documents in Table 1-1 (pp. 1-25 to 1-27) is extremely narrow with respect to the transportation aspects of the proposed action. The DOE has failed to utilize a vast body of available environmental documentation on land use, mining, wildlife, wild horses, public lands, agriculture, and other topics of particular concern to Eureka County. Nor does Table 1-1 include an important recent NEPA document, the *FEIS, Proposed Fallon Range Training Complex Requirements, Naval Air Station Fallon, Nevada* (Department of the Navy and Bureau of Land Management, January 2000). Through consultation with the Navy and the BLM, the DOE should have been aware of this FEIS. Finally, the Cortez Pipeline Gold Deposit project is located in east central Nevada, not western Nevada, as stated on p. 1-27.

B. Proposed Action (Chapter 2)

Description of proposed action is vague. The DEIS fails to describe the proposed action in sufficient detail to allow a meaningful analysis of impacts and mitigation. The descriptions of decontamination (pp. 2-20, 2-37), upgrades to electrical transmission and distribution systems (p.

21 2-23), future institutional controls and intrusion barriers (p. 2-37), national shipping routes (pp. 2-40 to 2-42), proposed rail operations (pp. 2-43, 2-44, 2-50), and rail line access roads and fences (p. 2-50) are vague or missing altogether.

22 Description of rail facilities and operations vague, incomplete. Because the Carlin rail corridor would pass directly through Eureka County, because the effects of such a corridor could affect the livelihoods of numerous residents, and because the DOE says a decision will be based on this DEIS, a complete description of the proposed action is important to Eureka County. (pp. 2-43 to 2-50) The maps of transportation routes in Nevada are so small that they created confusion in public meetings in the County. For example, attendees could not tell from the map on p. 2-48 which side of the Crescent Valley town site the rail line would be on.

In October 1998, the DOE provided Eureka County with rail alignment maps prepared by a contractor, at a scale of one centimeter equals one kilometer. It is the County's understanding that these maps were the basis of much of the rail corridor information in the DEIS. However, the maps in the DEIS (pp. 2-48, 6-59) are different and, therefore, misleading. (See Exhibit D for a map prepared by Eureka County from one provided by the DOE in October 1998.)

23... The DEIS also leaves many unanswered questions, such as: *

- How many rail casks and how many trains would be involved in the transport of 11,000 rail cars to Yucca Mountain, including return trips? Would unloaded casks be returned to their points of origin?
- Between general freight and dedicated freight, what are the differences in terms of personnel, escorts, buffer cars, speeds, and elapsed time from origin to destination?
- Would there be one or more sets of tracks, and would there be sidings?
- Who would own the tracks, trains, rights-of-way, and support facilities, and who would operate them?
- Would all of the tracks and access roads be fenced, or only portions, with what types of fences, maintained and paid for by whom, and owned by whom? How wide would the fenced corridors be? Would consultation regarding fences be limited only to other federal agencies, to the exclusion of agricultural producers, local governments, and public safety officials?
- How would the access roads be constructed and surfaced, and who would be allowed to use them?
- If roadbed and access roads would be constructed using balanced cut and fill techniques, where would the DOE obtain the fill necessary to elevate many miles of roadbed above anticipated flood levels in Nevada's valleys and playas? Would blasting be utilized?

*Repeat "intro" with comment 87.

23
cont.

- Who would be allowed to use the railroad tracks? Would the tracks be shared by public and private entities? If so, who would own the tracks (and therefore receive the revenue and assume the liability) and who would manage traffic on the tracks?
- When and how would rail corridors be decommissioned and reclaimed, and how would plans for decommissioning be affected by shared use?

The DEIS attempts to describe the proposed action's rail line operations using generalized statements. (p. 2-50) These statements do not provide enough detail. The operational aspects of the branch rail lines will have a substantial influence on the hazards and risks associated with a decision regarding alternative rail corridors and transportation modes. Those aspects of rail operations that directly influence safety must be included to determine whether there are discernable differences among alternatives.

24

Clearly, how the rail lines are operated will increase or decrease the risks involved in rail transport of SNF and HLW. Procedures to ensure safety of shipments, workers, the public, and emergency response personnel must be described. These include, but are not limited to, safety and security at switching points, safety and security for shipments parked on sidings, safety provisions, and emergency actions including emergency response for accidents.

The description of rail line operations (p. 2-50) does not include operational provisions for emergency response to accidents where local capabilities are limited or nonexistent. The description lacks any substantive information on provisions for safe rail operations in light of the extensive area within Nevada that lacks response capabilities for radiological incidents.

25

Finally, the DEIS says that the Southern Pacific Railroad owns one of the northern routes and the Union Pacific Railroad owns the other northern route and the southern route. (p. 2-44) It is our understanding that the Union Pacific now owns both northern routes, and the Burlington Northern has shipping privileges on the northern route.

26

Timing of repository and rail corridor closure unclear. The DEIS says that closure of the repository could occur from 50 to 300 years after the start of emplacement. The DEIS fails, however, to describe whether and how the rail corridors would be used during the monitoring phase, up to 300 years long. Would the rail corridor continue to carry supplies and waste materials to and from the repository? Would the corridor continue to operate for the benefit of other users? Who would own, operate, and maintain the tracks and access roads?

27

Impacts of transportation alternatives pre-judged. Before the DEIS even describes the proposed action, the environment that would be affected, or the anticipated environmental impacts, it concludes that "environmental impacts do not appear to be a major factor in the selection of transportation mode, route, or corridor in Nevada for incoming rail shipments." (p. 2-81) Such a conclusion is inappropriate under the description of the proposed action and no-action alternative and, in any event, is unsupported by any evidence and therefore conclusory. The DEIS acknowledges that there are differences in environmental impacts for the 10 implementing alternatives for rail shipments in Nevada.

28 Natural complexity no excuse for incomplete disclosure. The DEIS says that the complexity and variability of the natural system at Yucca Mountain contribute to the uncertainty associated with the DEIS. (p. 2-81) All natural systems are complex and variable, and the discussion on page 2-81 is irrelevant. The DOE must, to the best of its ability, describe the proposed action, the affected environment, the anticipated impacts, and the required mitigation. For such a large, unconventional, and far reaching project as the geologic repository at Yucca Mountain, the level of effort required of the DOE is very high. To date, the disclosures provided are vague, incomplete, and inadequate.

29 Preferred alternative. The DEIS says that the DOE has not chosen a preferred transportation mode, corridor, or route; that it does not know when it will make such decisions; but that the DEIS provides the information necessary to make those decisions. (pp. 2-87, -88) As discussed under the general comments:

- The DEIS does not include enough information to support a decision on modes, routes, or corridors for the transportation of SNF and HLW;
- The document contains inadequate information for a decision to select the Carlin rail corridor (which would pass through Eureka County) or any other mode, route, or corridor;
- The DEIS omits essential information regarding the affected environment and the anticipated environmental impacts;
- The DEIS must specifically consider the impacts of the transportation elements of the proposed action upon the nation's and Nevada's transportation systems; and
- The DEIS must disclose that potential transportation impacts of the proposed action would be concentrated in Nevada and could result in numerous environmental impacts along the five rail corridors, the heavy-haul truck routes, and I-15 in southern Nevada, as well as on alternative Nevada routes that would be used during system repair, maintenance, and construction; during weather emergencies; or for the mostly legal-weight truck scenario.

30 Regarding the transportation aspects of the proposed action, the DEIS fails to satisfy the purpose of the National Environmental Policy Act (NEPA), as expressed in 40 CFR 1500.1(b), because it: fails to make environmental information available to public officials and citizens before decisions are made and actions are taken; fails to present information of high quality; and, therefore, does not allow accurate scientific analysis, expert agency comments, and public scrutiny, which are essential to implementing NEPA.

31... **C. Affected Environment (Chapter 3)**

Justification lacking for regions of influence. The descriptions in the DEIS of the affected environment and the anticipated impacts utilize a list of "regions of influence." (pp. 3-2, 3-10, 3-79, 3-98, 3-101) However, the DEIS provides little or no justification or explanation regarding

31 the definitions of these regions. For such an unconventional project, with such great risks, the DOE must consider the regions of influence carefully and draw them broadly. Specifically, the 80-km radius around Yucca Mountain, which defines the region of influence for air, climate, and health and safety (p. 3-3) is unsupported, appears to ignore information on prevailing winds and atmospheric transport, and prevents a full evaluation of the repository's air quality impacts on the Las Vegas Valley. The limitations on the air quality, climate, cultural resource, and health and safety regions of influence for rail corridors are also unsupported and inappropriate.

32 "Affected units of local government" not accurately defined. The DEIS says that "affected units of local government include county governments near the potential repository site and along potential transportation routes within Nevada." (p. 3-1) Appendix C says, "As defined by the NWPA, the affected units of local government are local governments (counties) with jurisdiction over the site of a repository." (p. C-9) Neither definition is accurate. DOE has interpreted Section 116 of the NWPA as amended to mean that the affected units of government are Nye County (the situs county) and the nine counties contiguous to Nye County. The definition on p. 3-1 is misleading because there are Nevada counties along potential transportation routes that are not considered "affected" counties under the NWPA, e.g., Elko County. The definition on p. C-9 is misleading because it is circular. Finally, the DEIS should acknowledge the special legal status of "affected units of local government" under the NWPA.

33 Environment affected by transportation not described. The fact that the DEIS requires less than two pages to describe the environment that would be affected by the national transportation elements of the proposed action and by the mostly legal-weight truck scenario in Nevada illustrates the complete inadequacy of the DEIS in this regard. (pp. 3-98, -99) For a long-term, unconventional activity that could very seriously affect the vast majority of the states and a large percentage of the population of the United States, the DEIS tells nothing about the affected environment other than the broadest of generalities. Thus, the DEIS fails to satisfy the purpose of NEPA, as expressed in 40 CFR 1500.1(c), since it does not "help public officials make decisions that are based on understanding of environmental consequences, and take actions that protect, restore, and enhance the environment."

34 The land use descriptions for the rail corridors in Nevada are inadequate. (p. 3-101 to -103) The land use regions of influence are narrowly drawn (limited only to disturbed lands and changes in ownership), and the *only* information provided for the Carlin corridor (for example) is the amount of public and private land. Although the DEIS says that "detailed information on land use is available" in other documents, it fails to describe their contents even briefly, as required by 40 CFR 1502.21. According to testimony before the DOE at the Crescent Valley public hearing on December 9, 1999, the description in the DEIS of existing land uses is inadequate and inaccurate. On page 6-61, the DEIS names two towns, Gold Acres and Tenabo, that are not presently inhabited, witnesses said.

35... The socio-economic descriptions for the environment that would be affected by rail corridors in Nevada are equally inadequate. The DEIS does not contain a complete or accurate description of baseline socioeconomic information for the affected counties. Although more recent population data are available from Nevada's State Demographer (Exhibit E), the DEIS uses out-of-date population data. Furthermore, the socio-economic description of Eureka County discloses only:

- 35... the average unemployment rate, per capita income, population, and population density for a single year, projected population for the year 2000, and the total and occupied numbers of housing units. (pp. 3-114, -115) The DEIS should discuss Eureka County's demographic data, economic drivers and trends, local fiscal conditions, cost of living, work force issues, and economic development plans. An example of a more adequate socio-economic description can be found in the *South Pipeline Project Draft Environmental Impact Statement* (U.S. Department of the Interior, Bureau of Land Management, August 1999), at pp. 4-181 to 4-211.

Since the DOE says that the DEIS is adequate to support a decision on transportation modes, routes, and corridors, the concerns of Eureka County are especially great. The DEIS implies that the affected environment is sparsely populated, lightly used, and not important. To the contrary, the resource-based economy of Eureka County and other Nevada counties depends almost entirely on the land and its mineral and biological resources.

- 36 *Emergency response environment not described.* The DEIS must describe the availability and capability of emergency responders who would respond to transportation accidents. (p. 3-115) There is no description of emergency response planning or capabilities nationally, statewide, or locally in regard to any alternative rail corridor or transportation route.

Nevada's rural areas have extremely limited or no capability for initial response to accidents involving SNF and HLW. Since shipments will be funneled into Nevada, creating a higher risk for accidents, the emergency response capabilities must be described as part of the affected environment. Emergency services are an essential part of local public services and must not be overlooked, given the nature of the proposed project and the associated accident risks. A complete characterization of available emergency services and response capabilities must cover local law enforcement, fire, rescue, and emergency medical services.

- 88 Additionally, the public services information is incorrect and misleading regarding the availability and locations of hospitals. (p. 3-115) The DEIS implies that small communities in Nevada generally contain hospitals, which is incorrect. Most small communities in Nevada and specifically in Eureka and Esmeralda Counties do not have hospitals. There is no hospital in Eureka, Crescent Valley, Beowawe, Carlin, or Austin. The nearest hospitals are Elko General Hospital and Battle Mountain General Hospital.

Furthermore, the hospital information is incomplete and misleading since it does not describe the capabilities for treating radiological or other emergency patients. The general statement that public services are located in communities does not provide the necessary detail. If hospitals or other emergency services do not have the capability to treat patients injured in accidents involving SNF or HLW, this information must be disclosed in the DEIS.

- 37 *Other comments.* Ongoing seismic hazard studies being conducted for the Yucca Mountain region by the University of Nevada should be completed before DOE makes a decision whether to recommend Yucca Mountain for a geologic repository. (p. 3-30) The DEIS should cite the underlying data source for the population statistics in Table 3-22 (p. 3-73) and compare the statistics to current population estimates available from Nevada's state demographer. (See Exhibit E.) The discussion of radiation health effects must include the identification of sensitive
- 38

38 population groups, such as infants and pregnant women. (pp. 3-79 to -83) Finally, the DEIS
 39... contains no information on noxious weeds, a very significant environmental problem throughout
 39... Nevada and the western U.S.

D. Environmental Impacts of the Repository (Chapter 4)

40 Impacts on land use not adequately addressed. Largely due to arbitrary limits on the region of
 influence, the DEIS does not adequately address land use impacts within Clark, Nye, and
 Lincoln Counties. (pp. 4-4, -5) The DEIS does not discuss whether the repository would
 accelerate land development by stimulating the economy or, alternatively, reduce the rate of
 development due to perceived risk and stigmatization.

41 Impacts on air quality not adequately addressed. Because the analysis of air quality impacts
 focuses only on pollutant concentrations at the boundary of the land withdrawal area, the DEIS
 does not adequately address possible air pollution impacts on Clark County and other areas. (pp.
 4-6, -7, -102) The DEIS must disclose whether the bulk emissions documented in Appendix G
 would aggravate existing air quality problems in Clark County and elsewhere. According to
 newspaper reports in January, 2000, Clark County may soon face federal sanctions regarding
 funding of new transportation projects as a result of continuing problems attaining state and
 federal air quality standards.

The DEIS must also disclose the predicted downwind concentrations of radiological and
 nonradiological air pollutants, and the maximum distance at which measurable concentrations
 could be detected. Eureka County needs to know whether airborne emissions from the
 repository could be carried to Eureka County and neighboring counties, as they were during
 nuclear weapons testing in the 1950s and 1960s.

42 DEIS assumes public service impacts evenly distributed. The analysis of public service impacts
 of the repository (p. 4-44) is unsupported. The DEIS assumes that population growth and,
 therefore, demands for public services would be evenly distributed throughout Clark County and
 southern Nye County. Realistically, impacts will be concentrated in those areas within close
 commuting distance of Yucca Mountain, creating larger public service impacts with their
 associated costs.

...39 Other comments. The DEIS fails to address the repository's impacts on the spread of noxious
 43 weeds. The DEIS underestimates the difficulty of storing topsoil, returning it to a site, and
 revegetating disturbed areas in Nevada's arid climate. (p. 4-23) The discussion of the floodplain
 and wetlands assessment of transportation options (p. 4-24) is in the wrong section of the DEIS.
 45 The information on land exchanges in Clark County (p. 4-43) is incorrect, and it fails to consider
 that land supply is only one of the factors affecting housing conditions. Finally, the discussion of
 electric power (pp. 4-70 to 4-72) belongs in the description of the affected environment, and fails
 to address the impacts of power line construction or modification.

E. Long-term Environmental Impacts of the Repository

Population assumptions unreasonable. Despite the recommendations of the National Research Council, it seems unreasonable to assume that population in the general vicinity of Yucca Mountain would remain at its present locations and densities for thousands of years. (pp. 5-1, -17) A more cautious approach would be to assume that future population levels will be larger, more dense, and closer to Yucca Mountain than they are today.

Planned studies should be completed first. To provide an adequate disclosure of the impacts of the proposed action, which is a large and unconventional project with high risks, the DEIS should incorporate the results of planned studies on: (1) the influence of temperature differences on water movement, (2) the influence of heat on the chemical environment, (3) the importance of vapor transport processes, and (4) currently unavailable data. (pp. 5-10, -13, -18) The DOE should not make a recommendation on a Yucca Mountain repository until these studies are complete.

F. Environmental Impacts of Transportation

National transportation impacts. As discussed under the general comments in this document, the DEIS fails to analyze impacts upon the national transportation system from accidents on main national routes, storage of SNF and HLW on rail sidings for up to 48 hours (or longer), and routing of dedicated trains subject to speed restrictions. The DEIS must specifically describe the national transportation routes over which SNF and HLW would travel, and identify the main national nodes and the numbers of shipments which would pass through them.

Nevada transportation impacts. As discussed earlier in this document, the DEIS does not include adequate information for a decision to select the Carlin rail corridor or any other mode, route, or corridor. The generic discussion of impacts common to Nevada rail implementing alternatives (pp. 6-43 to 6-52) is excessively vague, consisting mainly of a list of possible impacts, which are then dismissed. The DEIS must specifically disclose potential environmental impacts for all Nevada routes, including alternative routes that might be used during system repair, maintenance, and construction; during weather emergencies; or for the mostly legal-weight truck scenario in accordance with the following comments (which are listed alphabetically):

1. Impacts on Agriculture

The DEIS fails to analyze impacts of the proposed action on agriculture in Nevada and specifically Eureka County. Many residents of Eureka County depend on agriculture for their livelihoods. The BLM and the U.S. Forest Service administer numerous grazing allotments that are leased to ranchers in Eureka County and neighboring counties. The DEIS says that the Carlin corridor would cross 12 allotments, that construction of the rail line would require "conversion of land" within those allotments, but that "functionality" would not be affected. (p. 6-61) These statements are vague and unsupported by any evidence.

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The DEIS must disclose the impacts upon Eureka County agriculture of: (1) conversion of water rights or agricultural land to other uses, (2) fragmentation of range or grazing allotments, (3) damage to forage from land disturbance, introduction of weeds, increased wildfire, or other factors, (4) restrictions on livestock movement, (5) loss of water supplies, or restricted access to water supplies, (6) loss of livestock hit by trains or other motor vehicles, and the associated public safety implications, (7) changes in value of agricultural lands or permits, (8) changes in the costs of agricultural production, and (9) increases in harassment of livestock. The impact analysis must address both construction and operation of fences, water wells, the railroad bed and tracks, and access roads along and perpendicular to the tracks. The DEIS must also disclose whether fragmentation of grazing allotments or changes in values of agricultural lands and associated appurtenances would be a taking of private property rights requiring compensation under the *Constitution of the United States*.

Regarding fences, testimony at the public hearing before the DOE at Crescent Valley on December 9, 1999, indicated that numerous railroad right-of-way fences were destroyed during recent range fires in Eureka County and neighboring counties, and that requests by the Board of Eureka County Commissioners to the railroads to repair the fences have not been filled. Thus, the DEIS must disclose how fences will be maintained, as well as the possible impacts on agriculture from poorly maintained right-of-way fences.

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2. Impacts on Air Quality

The DEIS fails to adequately analyze impacts of the proposed action on air quality in Nevada and Eureka County. (pp. 6-9, -36) Appendix G, Air Quality, does not address transportation-related impacts at all. Residents of Eureka County benefit from excellent air quality conditions that could be affected by the proposed action. The DEIS says that air emissions would affect a very large area (p. 6-44) but provides little or no additional information.

The DEIS must disclose the impacts upon Eureka County's air quality from: (1) fugitive dust releases during construction and operations, (2) diesel engine emissions during construction and operations, including emissions from water trucks, and (3) increased risk of wildfire. The analysis must address visual range (i.e., haze) in addition to bulk emissions and concentrations of criteria pollutants.

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3. Impacts on Archeological and Ethnographic Resources

The DEIS fails to analyze impacts of the proposed action on archeological and ethnographic resources in Nevada and Eureka County. (pp. 6-11, -37, -47) Although the DEIS says that "Table 3-36 lists the cultural resource information currently available in each corridor," it lists only the number of recorded sites, of which there are approximately 110. The DEIS says that additional information is available for the Carlin corridor (p. 3-113), but does not say what it includes. Furthermore, the DEIS does not specify whether Table 3-36 applies to the potential rail corridors, the variation of the potential corridor, or both. (See Figure 6-12, p. 6-59.)

Rather than saying that impacts could occur during construction but not during operations, (p. 6-48, -40) the DEIS must specifically disclose anticipated impacts upon archeological and

...53 ethnographic resources in the Carlin corridor and Eureka County. The analysis must consider the impacts of improved access to archeological and ethnographic sites. The additional surveys and studies needed to identify impacts (p. 6-11) must be completed prior to a decision on a transportation mode, route, or corridor.

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4. Impacts on the Economy

Except for a discussion of the direct and indirect impacts from construction on disposable income and the Gross Regional Product, the DEIS fails to address the impacts of the proposed action on the economy of Eureka County. (pp. 6-13, -14, -37, -64) The County's economy depends heavily on mining. Construction, agriculture, government, and services are the next largest sectors.

The statement (p. 3-115) that "[s]ocioeconomic effects from the construction of a rail line would be small and, for the most part, short-term," which the DEIS uses to justify the inclusion of less-detailed information for Esmeralda, Eureka, and Lander Counties, is unsupported by any evidence and does not allow an adequate analysis of the impacts of the rail alternatives.

Specifically, the DEIS must address: (1) the anticipated impacts--positive and negative--upon the mining, construction, government, and service sectors and (2) the anticipated impacts on the agricultural economy. The DEIS must address the anticipated economic impacts of shared use of the Carlin rail corridor by the DOE and by other users, such as mines.

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5. Environmental Justice Impacts

As discussed in the general comments, the DEIS inadequately analyzes the project impacts in relation to environmental justice. Because of the nature of rural life, communities are dispersed, rather than concentrated. Given the limited political power of rural communities, they are often targeted for unwanted projects. The Yucca Mountain repository is an excellent example of this type of "justice." The DOE's risk models are based on avoiding urban areas, and presume that risks from the project should be borne by rural people.

The DOE should consider the effects of past programs and policies on communities, as well as the additional impacts of the Yucca Mountain project. Rural low income populations received damaging doses of radiation in the 1950s and 1960s from above-ground and underground nuclear weapons tests conducted by the Atomic Energy Commission. The DOE must take these disproportionately high adverse health and environmental impacts of its programs, policies, and activities into consideration.

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6. Impacts on Floodplains, Wetlands, and Surface Waters Generally

The DEIS fails to adequately discuss the effects of the proposed action on floodplains and wetlands in Eureka County. (pp. 6-45, -61) The generic analysis in the DEIS is not sufficient. Crescent Valley, through which the corridor would pass, has been subject to recent flooding at depths of up to four feet in some locations. (See Exhibit F.) The DEIS says that the railroad bed would be constructed to an elevation above the 100-year flood plain, that the road bed could be

56... washed out, that there would be no contamination, and that operations would cease until flooding eased and repairs had been made. (p. 6-47) The DEIS, however, provides no evidence that contamination would not occur and no explanation of how operations would be adjusted to avoid wash-outs. Would such adjustments involve the storage of railcars carrying SNF and HLW on sidings near Beowawe for prolonged periods, up to 48 hours (or longer)? Or would it involve use of alternative routes? Further, the DEIS fails to address how the construction of the road bed and access roads would affect wetlands and the boundaries of the 100-year floodplain. Would new areas be subjected to flooding during large storms? How would re-grading of drainage channels (p. 6-45) affect wetlands?

57 The DEIS says that the Carlin corridor includes a spring, a river, and five riparian areas that may be classified as jurisdictional wetlands or waters of the United States, but it fails to identify them. (pp. 6-47, -61) Horses, burros, livestock, and wildlife rely on streams and riparian areas, and could be affected by the proposed action. The DEIS must disclose which streams would be affected, and how. Testimony before the DOE at the public hearing in Crescent Valley on December 9, 1999, indicated that there are springs, thermal springs, wetlands and riparian areas utilized by numerous species of birds (including migratory birds) in the vicinity of Crescent Valley. The DEIS must especially disclose potential impacts, including the impacts of a spill, on the Humboldt River, which flows through Eureka County and is the most important surface water resource in the region. This disclosure is integral to the DEIS and must not be postponed to a later analysis. (p. 6-45)

...56 The maximum probable flood methodology applied to Yucca Mountain should also be applied to transportation routes. (See p. 6-45) The DEIS must include floodplain maps and must consider the possibility of a radiological accident involving surface water during flood conditions.

58 7. Impacts on Housing

The DEIS fails to adequately address the impacts of the proposed action on housing in Eureka County. The housing data provided (p. 3-115) is 10 years old. Due to such factors as the high percentage of public land, the variability of the mining economy, and the high cost of raw materials, Eureka County has unique housing problems that could be aggravated by the proposed action, particularly during the construction phase. Construction would require an annual average of 500 workers (p. 6-63) in a county with only 820 housing units as of 1990 (p. 3-115). Thus, housing impacts could be quite severe.

The DEIS must disclose the anticipated impacts of the proposed action on Eureka County's housing stock. The disclosure must include direct impacts (e.g., housing of construction crews) and indirect impacts (e.g., increased demand for housing, short-term and long-term, resulting from the multiplier effect from rail corridor construction).

59... 8. Impacts on Infrastructure

The DEIS fails to adequately address the impacts of the proposed actions on infrastructure in Eureka County. The County and its residents provide (and depend upon) roads, schools,

...59 drainage, water systems, aviation facilities, medical facilities, and public safety facilities that could be affected, directly or indirectly, by the proposed action.

The DEIS must disclose the anticipated impacts of the proposed action on Eureka County's infrastructure. The disclosure must include direct impacts (e.g., damage or displacement of infrastructure during construction) and indirect impacts (e.g., increased demand on infrastructure due to construction employment). Specifically, the DEIS must address the impact of the rail corridor on the Crescent Valley airport, which lies within the corridor. (See Exhibit D.)

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9. Impacts on Land Use and Community Development

The DEIS fails to adequately address the impacts of the proposed action on land use and community development in Eureka County. (pp. 6-36, -43, -44, -60) Impacts on land use would extend far beyond a 60-meter construction zone or a 400-meter corridor with construction camps. (p. 6-44) Almost 60 percent of the assessed private parcels of land in Eureka County are within 10 miles of the Carlin rail corridor, which would affect 1,730 acres of private land along its length. (p. 6-7) (See Exhibit G.) County residents also use public lands for mining, agriculture, and other uses. Eureka County's Master Plan (January 1997) and its Land Use Element (July 1998) identify land use issues of concern to county residents, including (among others):

- The protection of private property rights and the value of land assets;
- The fiscal, agricultural, and groundwater impacts from parcelization of land; and
- The need to acquire land from the BLM for community expansion, to increase the amount of private land, and to ease restrictions on the use of federal lands.

The goals and policies of the Land Use Element:

- Discourage federal actions that threaten to impair the use or value of private property rights;
- Encourage the transfer of public land to private ownership; and discourage transfer of private land to public ownership.

The DEIS fails to describe the Eureka County Master Plan and its land use element, and fails to evaluate whether the proposed action conflicts with its policies. The DOE appears to assume that land uses of rural residents are not significant, while land uses by federal agencies are. The DEIS must disclose and evaluate: (1) the DOE's planned use, if any, of eminent domain to take private land for the rail corridor, (2) the effect of the proposed action on private property values, including the effects of perceived risk and stigmatization and the effects of improved or restricted access to private property, and (3) the potential growth-inducing effects of the proposed action, and whether it would result in additional parcelization of private land. The DEIS must also disclose whether changes in values of private lands affected by a rail corridor would be a taking of private property rights requiring compensation under the *Constitution of the United States*.

On December 9, 1999, Sandy Green, Vice-chair of the Board of Eureka County Commissioners, offered the following testimony on this subject during the public hearing before the DOE at Crescent Valley (see Exhibit H):

The DEIS does not adequately address the potential effects that this project could have on property values within our county. Our concern has several dimensions. We are concerned about the potential loss of market value because of the stigma of a nuclear waste rail line in the county. With the strong agricultural base in the county, the nuclear stigma could affect not only property values but also crop prices. We are also aware that such stigma can stymie our efforts to diversify the local economy and attract new enterprises to the county, not to mention retaining existing businesses. The recent nuclear accident in Japan is a case in point, where both tourism and potential business were negatively impacted. The term for this is "disinvestment" and we believe this project could have that sort of impact in our country and our state.

Other persons, including Lee and Nancy Loudon and Jamie Gruening, also commented on this subject at the Crescent Valley public hearing. Their comments are included in Exhibit I.

Finally, see the discussion of transportation-related impacts on wildlife, later in this document, for comments related to the Simpson Park habitat management area, the Simpson Park wilderness study area, and the failure of the DEIS to disclose anticipated impacts.

10. Impacts on Local Government

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The DEIS fails to address the fiscal impacts of the proposed action on Eureka County and other local governments. (p. 6-37) With a very limited property tax base and sales tax base, and with a volatile mining economy, Eureka County and its residents must provide services and infrastructure related to fire suppression, emergency response, water and sewer, law enforcement, education, and others. The County must also defend itself in any litigation that may arise.

The DEIS must evaluate the projected local revenues and expenses associated with the Carlin corridor in Eureka County, considering both direct and indirect effects. Among other possible impacts, the DEIS must evaluate: (1) fiscal impacts to local emergency response agencies, including the costs of training and maintaining their personnel, and (2) the fiscal effects of potential litigation related to the County's emergency first response, or lack thereof, to an accident involving transportation of SNF and HLW along the Carlin corridor.

The estimates of local expenditures provided in the DEIS are so general that they are meaningless. They do not provide a viable basis for comparison, nor do they relate estimated expenditures to specific local government budgets. Thus, the information does not permit an examination of actual impacts on local governments and their budgets.

11. Impacts on Mining

The DEIS fails to evaluate the impacts of the proposed action on mining in Eureka County and neighboring counties. Mining is by far the largest sector of Eureka County's economy. The proposed Carlin corridor traverses an area potentially rich in mineral deposits, which may be needed to support the nation's economic development and national defense. According to testimony before the DOE at the Crescent Valley public hearing on December 9, 1999, the corridor would divide the existing Cortez mine, and cross a haul road that is in regular use.

The DEIS must evaluate the effects of the proposed action on mining, including: (1) possible restrictions on claimants' access to their mining claims, (2) division of mining claims, (3) possible physical and legal barriers to the exploitation of mineral deposits, and (4) potential benefits to mining from improved access to railroad service. The DEIS must also disclose whether restricted use of or access to mining claims and sites would be a taking of private property rights requiring compensation under the *Constitution of the United States*.

12. Impacts on Public Health and Safety

The DEIS fails to adequately assess the potential public health and safety impacts of the proposed Carlin rail corridor and other corridors (pp. 6-11, -37, -39 to -41, -49, -63) in a number of important areas. (For additional discussion of this point, see the January 19, 2000, letter to the DOE from Eureka County's Local Emergency Planning Committee [LEPC], Exhibit J.)

Transportation of SNF and HLW through areas with limited emergency response capabilities, including Eureka County and much of rural Nevada, increases the risks associated with transportation incidents. Risks are higher because of the lack of initial response capability and the time delay for responding personnel. Some jurisdictions may choose not to respond to incidents involving SNF and HLW due to financial and personnel considerations. Jurisdictions with volunteer fire departments and other volunteer emergency responders may decide not to respond to incidents in which they cannot participate safely. The DEIS must address these scenarios.

The discussion of transportation emergencies, emergency assistance, emergency response, and carrier and shipper responsibilities is vague, misleading, and inadequate. (p. 6-30) It does not consider that local jurisdictions may choose not to respond to radiological incidents, that they may not have the capabilities to respond even if assistance and training are available, or that limited emergency response may itself create impacts. Specifically:

- The statement that "DOE would, as requested, assist state, tribal and local governments in several ways to reduce consequences of accidents related to the transportation of [SNF and HLW]" (p. 6-30) does not provide sufficient information regarding the adequacy of emergency response capabilities;
- Although DOE may provide assistance to state, local, and tribal governments, that assistance may not be adequate for necessary emergency responses;

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- There is no guarantee or assurance that assistance from the DOE will be forthcoming, or that it will be adequate;
- The statement that “[u]nder Section 180(c) of the Nuclear Waste Policy Act, the Department would provide technical assistance and funding to train state, local, and tribal public safety officials” does not completely address the need for or potential effectiveness of training for emergency responders; address whether such training is even desired by all jurisdictions; make it clear that the money is granted only to states; or identify an amount;
- Potential assistance under Section 180(c) does not constitute the universe of assistance needed to help local jurisdictions deal with transportation emergencies, and the DEIS does not analyze whether it is the only assistance needed by state, local, and tribal governments;
- The statement that DOE would require its transportation contractors to comply with the ANSI standard for carrier and shipper responsibilities and emergency response procedures does not adequately cover the need to discuss carrier and shipper responsibilities;
- The reference to carriers’ and shippers’ responsibilities for preparation of an emergency response plan, provision of information and assistance to emergency responders, and resources for dealing with the consequences of an accident fails to analyze whether these requirements would lessen the impacts of the proposed action or any of its alternatives;
- The discussion of transportation emergencies does not fully address the local emergency response that would be expected or required, even if federal or private response resources were available and dispatched; and
- The discussion of transportation emergencies does not identify constraints on local emergency response or the consequences of prolonged delays due to the lack of local resources.

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Finally, incidents and accidents involving military aircraft and ground transportation have occurred in Nevada in the past, and may also occur in the future. The DEIS does not specifically evaluate this risk. The *FEIS for Withdrawal of Public Lands for Range Safety and Public Purposes, NAS Fallon, NV* (Department of the Navy, May 1998) and the *FEIS, Proposed Fallon Range Training Complex Requirements, NAS Fallon, NV* (Department of the Navy and Bureau of Land Management, January 2000) address the public safety impacts and other impacts of military aircraft operations in areas that would be affected by the transportation elements of the proposed action. However, the Yucca Mountain DEIS does not adequately consider: (1) potential cumulative public safety impacts, (2) whether the transportation elements of the proposed action would adversely affect the Navy’s and the BLM’s risk assessments, or (3) threats from military training flights associated with the Fallon NAS to trucks and trains carrying SNF and HLW. See Exhibit K for a map depicting current military flight patterns, which include many thousands of annual operations according to the Navy and the BLM.

13. Impacts on Public Services

65 The DEIS does not adequately address the impacts of the proposed action on public services in Eureka County and other counties. Eureka County and the Eureka County School District provide public services including education, libraries, public health administration, police, fire protection, and others.

The DEIS must analyze the direct and indirect impacts of the proposed action on education and other essential public services. Specifically, the DEIS must address the demand on public services, and associated costs, that would be created by construction crews of 500 persons (annual average) and their families and support personnel.

66 The discussion of impacts on public services of the Nevada rail alternatives is particularly inadequate regarding emergency response services. The type, capability, and availability of such services, and local government attitudes toward response to radiological incidents vary widely in the affected counties. The additional risk, costs, training, and management issues regarding emergency response must be included in the DEIS. (For additional discussion of this point, see the January 19, 2000, letter to the DOE from Eureka County's Local Emergency Planning Committee [LEPC], Exhibit J.)

14. Impacts on the Quality of Life

67 The DEIS fails to consider the impacts of the proposed action on the quality of life now experienced by Eureka County's residents. The unique values of such communities as Crescent Valley include clean air, access to open space and recreation, active and passive enjoyment of fish and wildlife, quiet surroundings, enjoyment of nature, beautiful views and scenery, participation in the community life of a small town, the safety and security of a close-knit community, employment in agriculture and other outdoor occupations, and many others.

According to the written testimony of Jean Plummer, presented at the public hearing before the DOE on December 9, 1999, at Crescent Valley (Exhibit I):

Beowawe and Crescent Valley, Nevada, might be considered townships with small populations, even if all the surrounding areas were included. Our land, though, has much natural beauty, good fishing, hunting, colorful spring flowers, canyons in the mountains, willows and cottonwood trees and streams winding through. Our children have a great school and a small community to grow up in. The Yucca Mountain project will destroy all of this within 25 years if not sooner.

The DEIS must consider the impacts of the proposed action on the quality of life in the communities in Eureka County and neighboring counties that would be affected--directly and indirectly--by the construction and operation of a rail line, access roads, fences, and supporting structures.

15. Impacts on Recreation

68 The DEIS fails to address the impacts of the proposed action on recreation in Eureka County and neighboring counties. Residents of Eureka County, as well as residents of other parts of Nevada and other states, rely on open spaces within the county for its unique recreation opportunities, including camping, hunting, fishing, nature study, history study, back country travel, horse pack trips, and sightseeing. Eureka County and its neighboring counties include large unspoiled areas that could be affected, directly or indirectly, by the proposed action.

The DEIS must analyze the anticipated impacts of the proposed action on recreation. Specifically, the DEIS must consider the impacts of: (1) constructing and operating a raised railroad bed and access road through back country areas and hunting ranges, (2) constructing and operating roads connecting the rail corridor to resources such as borrow pits, (3) constructing fences, (4) restricting or improving access to the back country, (5) direct and indirect damage to recreational, historical, and natural resources, and (6) direct and indirect impacts on fish and game.

The DEIS says, "Each corridor has areas the public uses and areas available for sale and transfer. As a consequence, the rail line could result in limited access to areas currently in use by the public." (p. 6-44) Does this mean that areas traditionally available for outdoor recreation, including hunting and fishing, will be off limits? Does it mean that a person would need permission from the DOE or the rail operator to have access to such areas?

69 16. Impacts on Scenic Resources

The DEIS fails to adequately address the impacts of the proposed action on the scenic resources of Eureka County and Nevada's other rural counties. Nevada's rural areas provide increasingly rare unspoiled views of the basin and range region, and include numerous scenic resources, none of which are identified in the DEIS. Scenic resources that could be affected by the proposed Carlin corridor include such areas as Monitor Valley and Grass Valley, and such features as stage stops, hot springs, graveyards, historic mines, historic ranches, historic railroads, the Humboldt River, and unique geological formations. The statement on p. 6-50, "The greatest impact on visual resources from the construction of a rail line would be the presence of workers, camps, vehicles, large earth-moving equipment, laydown yards, and dust generation" is self-serving and unsupported by any evidence. The statement completely ignores the long-term scenic impacts of new permanent linear facilities (i.e., rail lines and access roads) and the associated land disturbance.

The DEIS must analyze the anticipated impacts of the proposed action on views and scenery, particularly in areas now in a natural or nearly-natural condition. The DEIS must consider, at a minimum, the long-term scenic impacts of the railroad bed, access roads, excavations and pits, fences, and supporting infrastructure.

17. Impacts on Soils

70 The DEIS fails to adequately address the impacts of the proposed action on soils in Eureka County and other counties. (pp. 6-11, -37, -47) Given Nevada's arid climate, the desert soils are fragile and easily disturbed, and may not recover on their own. Compaction of access roads would increase, not decrease, erosion. (p. 6-47) Nevada's mines are subject to some of the most stringent reclamation requirements in the country. Reclamation is technically and financially demanding, requiring careful planning, contouring, planting, maintenance, and--in many cases--irrigation during establishment of vegetation.

The DEIS must analyze the impacts on soils from constructing a raised railroad bed and access roads, including extensive cut and fill operations.

18. Impacts on Solid Waste

71 The DEIS fails to adequately address the generation of solid waste under the proposed action in Eureka County. (p. 6-15) The statement, "DOE expects waste quantities generated by rail line construction and operation to be minor in comparison to those from repository construction and operation," (p. 3-100) is irrelevant, and the decision not to discuss waste disposal infrastructure along the routes is inappropriate. The generic discussion on p. 6-51 is vague, self-serving, and inadequate.

The DEIS must disclose the quantities and fates of solid waste that would be generated in Eureka County under the proposed action. It must discuss the waste disposal infrastructure (i.e., landfills, transfer stations, and transportation systems) and any capacity constraints, and the impacts of the proposed action on that infrastructure.

19. Impacts on Transportation

72... The DEIS fails to adequately address the impacts of the proposed action on existing surface transportation systems in Eureka County and other counties in Nevada. Interstate 80, US 50, NV 278, and NV 306 are the main improved routes in Eureka County. They are important routes for mining, interstate commerce, and the mobility of County residents and visitors. The Union Pacific railroad generally parallels I-80 and the Humboldt River across the northern portion of the County. It is an essential component of the transportation network for interstate commerce and national defense. A network of minor roads also serves the residents of Eureka County, providing access to public lands, private property, and mining claims.

Principal transportation routes. The DEIS must analyze and disclose the impacts of the proposed action on the railroad and the main improved highways. Specifically, it must consider: (1) the existing capacities of road and railroad links, in terms of both weight and traffic volume, (2) the anticipated increases in utilization of those links, in terms of weight and volume, (3) the impacts of those increases on rails, pavements, road beds, and travel times, and (4) whether the proposed action would create a need or demand for additional improved routes through Eureka County.

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Eureka County is especially concerned that utilization of the main Union Pacific tracks and facilities in the northern county could involve the storage of rail cars carrying SNF and HLW on sidings near Beowawe for extended periods of time. The impacts of such storage on transcontinental rail operations and on existing sidings in the vicinity (including those at Carlin and Dunphy) must be considered. In addition, the DEIS must consider the impacts upon the nation's rail transport system of an accident involving SNF and HLW and one of the UP bridges over the Humboldt River.

Alternative routes. In the context of the mostly legal-weight truck scenario, I-80, US 50, NV 278, NV 376 (in Lander and Nye Counties), US 6 (in White Pine and Nye Counties), and other Nevada routes could be utilized as main or alternate routes for the transport of SNF and HLW. The impacts of the proposed action on the existing uses of those routes must be addressed in the DEIS, in addition to I-15 in southern Nevada. Among other information, the DEIS must disclose the alternative routes that would be used, and the anticipated impacts along those routes, when rail or legal-weight truck operations are interrupted by flooding, range fires, and other natural events.

R.S. 2477 roads and other access routes. Rights of way over public lands for many roads were granted by Section 8 of chapter 262, 14 Statutes 253 (former 43 U.S.C. Sec. 932, commonly referred to as R.S. 2477) enacted in 1866. Such roads serve the public interest; provide access for fire control, law enforcement, search and rescue, medical personnel, and public utilities; provide access to public lands for members of the general public; and enhance the taxable value of the private property they serve. (For additional discussion of this topic, see Exhibit L.)

Eureka County is concerned that many R.S. 2477 roads and other roads along the proposed Carlin corridor may be affected by construction of the roadbed, access roads, and fences. The DEIS must disclose: (1) whether the proposed action would result in the closing of any of these roads, (2) whether it would restrict access to them in any way, and (3) how the proposed action would ensure the continuity of such roads, through the use of at-grade crossings, underpasses, overpasses, or other means. Subsection 1 of *Nevada Revised Statutes* (NRS) 405.204 authorizes Nevada's attorney general to bring an action for declaratory judgment against an agency of the United States responsible for the lands over which an accessory road runs that pursues the closing of an accessory road or demands a fee or permit for its use.

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20. Impacts on Vegetation

The DEIS fails to adequately address the impacts of the proposed action on vegetation in Eureka County and other counties. (p. 6-37) Noxious weeds are a major problem in Nevada and the western U.S. They threaten the livelihood of everyone who depends on the use of the range, they are easily spread by the wind, by livestock and other animals, by persons (such as construction workers) on foot, and by motor vehicles (such as construction vehicles) and they are difficult or impossible to control once established. Disturbed soils are especially vulnerable to colonization by noxious weeds.

...73 Eureka County also contains numerous sites where rare or sensitive plants are located; such plants are particularly vulnerable to disturbance associated with construction or simply with improved access to their habitats.

The DEIS must analyze the potential impacts of the proposed action on the spread of noxious weeds, during both construction and operations. Specifically, it must identify vectors that would be created or enlarged for the spread of such weeds, and the consequences of possible infestations. The DEIS must also describe the habitats and known population sites of rare and sensitive plants and identify potential disturbance during construction, and also as a result of the establishment of new access corridors in Eureka County.

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21. Impacts on Water Supplies, Water Rights, and Groundwater Generally

The DEIS fails to adequately disclose the impacts of the proposed action on water and water rights. (pp. 6-10, -36, -61, -62) The State Engineer oversees use of the waters of the State of Nevada for the long-term benefit of its residents. Given the arid climate and the scarcity of surface water resources, the quality and quantity of groundwater are particularly important to Eureka County and the state as a whole.

The DOE must consult with the State Engineer to determine whether the utilization of groundwater from 67 wells during construction of the Carlin rail corridor (p. 6-10) would be consistent with the water laws of the State of Nevada, affect the water rights of the existing holders of such rights, or affect the cost of water for domestic and agricultural use. The DEIS must also disclose the risk to groundwater resources that could be affected by a radiological accident or hazardous waste discharge associated with the proposed action on the Carlin rail corridor or any other surface transportation route. The DEIS must describe the permitting, construction, and closure of the wells, and any environmental impacts (e.g., impacts caused by drilling muds).

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The DEIS must also disclose whether the loss or diminution of a water right would be a taking of private property rights requiring compensation under the *Constitution of the United States*.

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22. Impacts on Wild and Free-roaming Horses and Burros

The DEIS fails to adequately address the impacts of the proposed action on wild and free-roaming horses and burros. Many horses and burros inhabit the public and private range lands of Eureka County and neighboring counties. They are protected under the federal Wild and Free-roaming Horse and Burro Act and are of concern to the residents of Eureka County. The DEIS says (under the land use heading) that the corridor would cross five management areas (p. 6-60) or six management areas (p. 6-62), and that land would be "converted." But the DEIS does not discuss the impacts.

The DEIS must disclose the impacts upon Eureka County's wild horses and burros of: (1) conversion of range land to other uses, (2) fragmentation of herd management areas, (3) loss of forage from land disturbance, introduction of weeds, increased wildfire, or other factors, (4) restrictions on wild horse movement, (5) loss of water supplies, or restricted access to water

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supplies, (6) loss of horses hit by trains or other motor vehicles, and the associated public safety implications, (7) changes in the cost of wild horse management, , and (8) increases in harassment of horses. The impact analysis must address both construction and operation of fences, water wells, the railroad bed and tracks, and access roads along and perpendicular to the tracks.

23. Impacts on Wildlife

The DEIS does not adequately address the impacts of the proposed action on wildlife. (pp. 6-10, -11, -37, -47, -60) Deer, antelope, sage grouse and other game and nongame species of wildlife inhabit the rangelands and uplands of Eureka County. The DEIS says that construction of the rail corridor would result in loss and fragmentation of habitat, disrupt wildlife, and kill individual animals (p. 6-47) but provides no specific information. The DEIS says under the land use heading that the corridor would cross the Bates Mountain antelope release area, three designated riparian habitats, and the Simpson Park habitat management area (p. 6-60) but does not discuss impacts on these areas. (According to the *FEIS, Proposed Fallon Range Training Complex Requirements, Naval Air Station Fallon, NV* [Department of the Navy and Bureau of Land Management, January 2000], the Simpson Park range is also the site of a wilderness study area. The DEIS does not disclose this fact, or discuss any impacts upon the study area.) Finally, the DEIS says on page 6-62 that the corridor would cross seven areas designated as game habitat, but does not discuss impacts on them either.

The DEIS must disclose the impacts upon Eureka County's wildlife of: (1) conversion of wildlife habitat to other uses, (2) fragmentation of habitat, (3) damage to forage from land disturbance, introduction of weeds, increased wildfire, or other factors, (4) restrictions on wildlife movement and migration, (5) loss of water supplies, or restricted access to water supplies, (6) loss of wildlife hit by trains or other motor vehicles, and the associated public safety implications, (7) changes in value of wildlife areas for hunting and fishing, (8) changes in the costs of wildlife management, and (9) increases in harassment of wildlife. The impact analysis must address both construction and operation of fences, water wells, the railroad bed and tracks, and access roads along and perpendicular to the tracks, and it must be species-specific.

The DEIS must specifically disclose the impacts of the proposed action on winter deer range in the vicinity of Beowawe, including the Horseshoe Ranch, and the impacts on deer migration between winter range in the Dry Hills northeast of Hot Springs Point and summer range to the north. Nevada's Division of Wildlife, the BLM, and others have spent large amounts of money restoring the winter range in this area, and the proposed action may negate those expenditures.

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G. Impacts of the No-Action Alternative (Chapter 7)

Limitation on scope of analysis inappropriate. Although the DEIS says that the same spectrum of environmental impacts was considered for the no-action alternative as for the proposed action, it also says (in the same paragraph) that DOE decided to focus the no-action analysis on the health and safety of workers and members of the public. (p. 7-6) This limitation on the scope of the no-action analysis is inappropriate. It rules out any meaningful comparison with the impacts of the proposed action.

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Also, the implication (p. 7-7) that the proposed action does not affect the 72 commercial and 5 DOE facilities and their surrounding environments, but the no-action alternative does, is not true. Obviously, both alternatives would result in environmental impacts at all the sites.

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Analysis of no-action alternative inconsistent and biased. Despite statements to the contrary, the analysis of the proposed action and the no-action alternative is not consistent. (See pp. 7-9, -16) The statement on p. 7-9 that Chapter 3, section 3.3, discusses the conditions at the sites that formed the basis for identifying impacts of the no-action alternative is not true. The statement on p. 7-11 that the Yucca Mountain workforce would lose their jobs under the no-action alternative is unsupported and alarmist; it reflects bias. The statement on p. 7-12 that payments in lieu of taxes would be diminished under the no-action alternative is unsupported. The analysis of in-lieu payments should address both costs and revenues. The statement on p. 7-46 that concentrations and areas affected by radiation from Module 1 would be impossible to estimate is untrue on its face.

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H. Cumulative Impacts (Chapter 8)

Analysis of shared rail use inadequate. The analysis of the impacts of shared public/private use of DOE branch rail lines is inadequate. (pp. 8-4, -15) The analysis properly belongs in Chapter 6, Transportation Impacts. The statement that predicting increases in rail traffic from shared use would be difficult and, therefore, is not done is unacceptable. The DEIS says there will be impacts, and they must be analyzed, disclosed, and mitigated as necessary. (p. 8-87)

Analysis of impacts on public services inadequate. The DEIS does not adequately address cumulative impacts on emergency response services. The DEIS says that cumulative operations impacts would result because of the extra 14 years of shipping required for Modules 1 or 2 (p. 8-85), but that the DOE expects no cumulative socioeconomic impacts. This conclusion is contradictory and improbable since state, local, and tribal government emergency services would continue to be impacted.

Reasonably foreseeable related actions not disclosed. The DEIS fails to disclose a proposal under consideration by the Nuclear Regulatory Commission to construct an independent spent fuel storage installation at the Skull Valley Indian Reservation in Tooele County, Utah, as described in the *Federal Register* on February 9, 2000. The DOE knew, or should have known, that this project, if approved, would add to the cumulative environmental impacts of the proposed action. Eureka County is especially concerned about this proposal due to its immediate proximity to Nevada and the potential for increased transportation-related impacts on Eureka County and neighboring counties from shipments of SNF and HLW to and from Tooele County.

The DEIS also fails to disclose the cumulative impacts on Nevada from the proposed action and the Fallon Range Training Complex Requirements, NAS Fallon, as described in the FEIS prepared for that project by the Navy and the BLM (January 2000). For example, the DEIS does not disclose that the proposed Carlin corridor would pass through an area at the north end of Big Smoky Valley, southeast of Austin, NV, where the Navy plans to install up to five fixed or mobile electronic warfare sites and a tracking instrumentation subsystem site. Nor does the DEIS disclose that staging areas for training aircraft and enemy aircraft, and air-to-air/electronic

...78 warfare training areas associated with NAS Fallon are presently located over portions of the proposed Carlin corridor. (See Exhibit K.) The DOE knew, or should have known, that activities associated with NAS Fallon would add to the cumulative environmental impacts of the proposed action.

Other comments. The failure of Congress to ratify the Nuclear Test Ban Treaty makes the future resumption of nuclear weapons tests more likely. (pp. 8-3, -11, -12) The statement that interim storage was not analyzed for cumulative impacts because it is uncertain is inappropriate; it is reasonably foreseeable and must be included. (p. 8-5) The inadequacies of the air pollution analysis are similar to those in Chapter 4: the discussion is vague and the conclusions unsupported by the evidence, particularly the statement that there will be no effect on the Las Vegas Valley air basin. (pp. 8-24 to 8-30) The statement that the final EIS will review new information from the Pipeline Southeast Expansion Project for cumulative impacts is unacceptable, since the public will not have the opportunity to comment (p. 8-85).

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I. Mitigation (Chapter 9)

Mitigation generally. Particularly with respect to the transportation impacts of the proposed action, Eureka County's comments have identified many areas in which the impact assessment is incomplete and inadequate, including: agriculture, air quality, archeological and ethnographic resources, the economy, environmental justice, floodplains and wetlands, infrastructure, housing, land use and community development, local government, mining, public health and safety, public services, the quality of life, recreation, scenic resources, soils, solid waste, transportation, vegetation, water, wild horses and burros, and wildlife. Because impacts in these areas have not been fully disclosed, the discussion of mitigation is also inadequate.

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Pending a complete, thorough analysis of the transportation impacts of the proposed action, a list of required mitigation is difficult to prepare. Nevertheless, based on Eureka County's comments to date, mitigation must be included at least for:

- Conversion of agricultural land and water rights to other uses, fragmentation of range and grazing allotments, loss of forage, restrictions on livestock movement, loss of water supplies or restricted access to such supplies, loss of livestock in accidents, changes in value of agricultural land, changes in costs of agricultural production, and increased harassment of livestock;
- Emissions of fugitive dust, diesel particulates, and smoke from fires as well as reduced visual range caused by rail corridor construction and operations;
- Direct and indirect damage to, and loss of, archeological and ethnographic resources;
- Economic impacts on the mining, services, construction, and agricultural sectors of the economy;
- Environmental justice impacts on residents of rural areas;

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- Damage to springs, wetlands, and surface waters (including the Humboldt River), and changes in the boundaries of flood plains;
- Radiological risks to the Humboldt River;
- Damage or displacement of public infrastructure (including the Crescent Valley airport) during rail corridor construction, as well as increased demand on public infrastructure due to construction employment;
- The direct and indirect housing impacts of a 500-person (or larger) construction crew;
- The taking of private property; reduced private property values due to perceived risk, stigmatization, restricted access, and other factors; and fiscal, agricultural, and groundwater impacts caused by accelerated parcelization of private property;
- Direct and indirect fiscal impacts on Eureka County and other local governments;
- Restrictions on legal or physical access to mining claims and mineral deposits; division of mining claims; and takings of private property rights related to mining;
- Direct and indirect impacts on the provision of education and other public, social, and medical services;
- Adverse impacts on the quality of life in Eureka County and neighboring areas, including diminished environmental quality, impacts on fish and wildlife, impacts from noise, impacts on scenery and views, diminished safety and security, loss of traditional livelihoods, and other effects;
- Recreational impacts from construction of a railroad bed, access roads, borrow pits, and fences, as well as impacts caused by improved access to the back country and wildlife habitat;
- Impacts on scenic resources, including both expansive views and features of interest;
- Impacts on soils from construction and operation of a railroad bed and access roads, including cuts, fills, and soil compaction;
- Impacts on solid waste disposal infrastructure;
- Adverse impacts on the existing surface transportation systems, including the Union Pacific railroad, I-80, US 6, US 50, NV 278, NV 306, NV 376, R.S. 2477 roads, and other roads that provide access to private property, public lands, and mining claims;
- Direct and indirect impacts from the spread of noxious weeds, and impacts on rare and sensitive plants and their habitats;

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- Damage to groundwater resources from a radiological accident or the discharge of hazardous materials; adverse impacts on existing water rights; takings of private property rights in water; and adverse effects of well development and closure;
- Direct and indirect impacts on wild horses and burros, including impacts on their ranges, herd management areas, forage, movement, water supplies, safety, and management costs; and
- Direct and indirect impacts on the Bates Mountain antelope release area, designated riparian habitats, the Simpson Park habitat management area, and wildlife habitat generally, including impacts from conversion of habitat, fragmentation of habitat, loss of forage, restrictions on movement, diminished safety, loss of monetary and nonmonetary value, and increased management costs.

Specifically regarding mitigation of environmental impacts caused by fencing of railroad tracks and access roads, the DOE must commit to consultation not only with the BLM but also with local agricultural producers, public safety officials, and local governments to determine whether or not fences are needed at any location.

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Mitigation related to emergency response and management. Mitigation measures for impacts to local governments for emergency response and management activities made necessary by the proposed action (including the transportation alternatives) are incomplete or absent. This is a significant oversight. Local emergency response resources will typically be the first on the scene of any accident involving the transportation of SNF and HLW. The DOE's National Transportation Program publication, *Transporting Radioactive Materials, Answers to Your Questions* (June 1999) says (p. 24), "As with any traffic accident, the local, Tribal, and State police, fire departments, and rescue squads are the first to respond to transportation accidents involving radioactive materials."

The introduction to Chapter 9 (p. 9-1) tries to head off any discussion of specific mitigation actions for emergency response services and emergency management actions. The discussion is based on an over-simplified reference to Section 116(c) of the Nuclear Waste Policy Act. While Section 116(c) may help mitigate impacts to public health and safety, it does not eliminate the need for identification of specific mitigation actions in the DEIS. Furthermore, it does not constitute the universe of mitigation measures for public health and safety.

Through the DEIS, DOE must examine all relevant mitigation measures, including mitigation of ongoing impacts over the life of the proposed waste shipments.

The discussion of occupational health and safety (p. 9-23) includes no mitigation to reduce the impacts from waste shipment transportation accidents. For example, it does not mitigate impacts from the lack of local emergency response capabilities. Such mitigation could include dedicated emergency response teams (not local government teams) that would be immediately available within a short response time to the scene of an accident. The teams could travel in conjunction with, but away from, SNF and HLW shipments, or they could be stationed strategically and

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equipped for quick initial response. Such teams would be a particularly effective mitigation where there are few or no local emergency resources.

Further, mitigation actions should address all phases of emergency management, including preparedness, response, and recovery. Thus, they should address programs, funding, and training.

Some mitigation actions described in Chapter 9 are so general that it is not possible to determine what they would consist of or how effective they would be. For example, the DEIS suggests a measure to "improve design of affected roadways to reduce accidents." (p. 9-23) The mitigation measures must be specifically designed to reduce or eliminate foreseeable hazards from the operation of rail lines in Nevada. They must address hazards at rail crossings, during switching, when shipments are parked on sidings, and from train derailments.

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Baseline health assessment and compensation fund. The mitigation program must include a special escrow fund for prompt and complete compensation of persons affected by accidents along transportation routes. Eureka County's primary responsibility in relation to the proposed Yucca Mountain project is to protect the health and safety of the residents of the County. Eureka County was downwind of, and a recipient of, fallout from the Atomic Energy Commission's above-ground and underground nuclear weapons tests in the 1950s and 1960s. That experience, which included the exposure of County residents to radioactivity, taught lessons that can be applied to the proposed action.

Upon initiation of the proposed action, the DOE should conduct a baseline health assessment of all persons within a reasonable region of influence of the Carlin rail corridor, and all other corridors or routes that will be used. When a transportation accident occurs that would expose residents to radioactivity, victims should not be subject to the same treatment as were "downwinders" from the nuclear weapons tests. All claims should be evaluated against the baseline assessment and paid promptly from an escrow fund set up in advance of transportation, and fully funded from the start. This method would ensure that citizens exposed to radioactivity from a nuclear transportation or handling accident will be compensated. The fund should be established under the auspices of an independent third party, with an initial endowment of \$1 billion. Victims should not have to litigate or die trying to get compensated for their medical costs, loss of livelihood, and other damages resulting from exposure.

A story in the *Las Vegas Sun* (January 8, 2000) provides an analogy that illustrates the need for the baseline health assessment and compensation fund. The article says that many veterans' widows cannot find evidence that their husbands participated in secret experiments related to the effects of radiation on battlefield soldiers. Without such records, they cannot request compensation. Pat Broudy, the wife of deceased veteran Chuck Broudy, says, "The government is waiting for us all to die." She says, "When they ask for compensation for disability and indemnity compensation from the VA, [government officials] say prove it. They've got the documents. We don't have the documents. They've got the proof. We don't have the proof."

The Price-Anderson Act does not provide the kind of coverage that is needed. Its funding is limited, and it depends upon a future session of Congress to provide additional funds. Eureka

...82 County cannot depend on future generations of lawmakers to provide for the potential victims of the proposed action. Instead, a certain source of funding should be part of the mitigation for the project.

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J. Required Federal Permits, Licenses, and Entitlements (Chapter 11)

The DEIS fails to adequately disclose the federal permits, licenses, and entitlements that must be obtained to implement the transportation elements of the proposed action, as required in 40 CFR 1502.25. From the discussion in Chapter 11, it is not clear whether construction and operation of proposed rail corridors (and their associated access roads, fences, and other features) would require:

- Air quality permits under the federal Clean Air Act, as administered by the USEPA and Nevada's Division of Environmental Protection (NDEP);
- Permanent (by Congress) or temporary (under the Federal Land Policy and Management Act of 1976) land withdrawals;
- Approval by the Surface Transportation Board regarding labor protection, car interchange, competitive access, line construction, line crossing, public use of rights-of-way, feeder line development, ratemaking, or other factors;
- Water supply permits for construction camps and activities under the federal Safe Drinking Water Act as implemented by USEPA and Nevada's Health Division;
- Stormwater permits under the federal Clean Water Act, as administered by NDEP;
- Solid waste management permits under the federal Resource Conservation and Recovery Act, as implemented by USEPA and NDEP;
- Stipulations to minimize or mitigate potential adverse impacts to a historic resource under the National Historic Preservation Act;
- Permits for excavation or removal or archeological or historical resources under the federal Archeological Resources Protection Act or the Antiquities Act;
- A biological opinion from the U.S. Fish and Wildlife Service regarding compliance with the federal Endangered Species Act; or
- Use permits issued by the USFS under the National Forest Management Act.

It is also unclear from the discussion in the DEIS whether the transportation aspects of the proposed action, specifically including the construction of a railroad line and associated facilities, would constitute a take or harvest of migratory birds under the Migratory Bird Treaty Act, or would avoid wildlife refuges, wildlife ranges, game ranges, and wildlife management

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areas, as required by the DOE policy administering the National Wildlife Refuge System Administration Act.

Finally, despite the statement on p. 11-17 that the DEIS "assesses the potential construction of a rail line, new roads, or an intermodal transfer station in Nevada to determine if that construction could affect [farmlands]," the DEIS fails to make any such assessment, beyond the broadest of generalities. As noted in the DEIS, the U.S. Natural Resource Conservation Service must determine that the proposed action does not affect farmlands.

Since the discussion is so unclear as to whether rail corridors and other transportation aspects would require federal permits, licenses, or entitlements, the DEIS--in effect--conceals from Eureka County and all other persons important procedural aspects related to the proposed repository and its transportation systems. The inadequate, incomplete disclosure fails to provide Eureka County with essential information regarding administrative remedies. Coupled with the numerous other inadequacies of the DIES, this failure violates the purpose of NEPA and the principle of due process.

Regarding the transportation elements of the proposed action, the DEIS must specifically disclose: (1) the identity of all federal approvals that DOE or its agents must obtain to construct and operate those elements, as required by 40 CFR 1502.25(b), (2) all steps the DOE will follow to satisfy the requirements of NEPA, and (3) the procedural requirements Eureka County must satisfy to protect its legal rights to appeal each required federal approval and each action of the DOE under NEPA.

III. SUMMARY AND REQUIRED ACTIONS

The DEIS is inadequate to support a decision on modes, routes, or corridors for the transportation of SNF and HLW to Yucca Mountain. It omits essential information regarding the affected environment and the anticipated environmental impacts, particularly for the national transportation routes and for transportation within Nevada.

Although the DOE says it does not know when it will make the transportation decision, transportation is integral to the project and must be fully covered in the DEIS. **Disclosure of transportation impacts must not be postponed**, and future decisions must not rely on the sketchy, inadequate information in the DEIS.

The DEIS is confusing and, therefore, misleading as to the future generation of SNF and HLW. **If the DOE proposes to close all commercial nuclear power plants by a certain year, this must be explicitly stated** as part of the proposed action.

The DEIS must include a realistic no-action alternative, and evaluate that alternative fairly, using consistent assumptions. The environment that would be affected by the no-action alternative must be specifically described.

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For the various impact areas, **DOE must carefully reconsider the regions of influence and draw them broadly, to reflect the unique nature and vast risks of the proposed action.**

The DEIS must then **re-analyze and disclose the environmental impacts** of the proposed action, particularly its transportation aspects, and define appropriate mitigation measures when a thorough analysis is completed. In any event, the mitigation program must include immediate compensation for takings of private property rights under the *Constitution of the United States*, as well as a baseline health assessment and a special escrow account to compensate victims of radioactive exposure along transportation routes. It must also include a thorough analysis of:

- Required emergency response capabilities for the range of potential transportation accidents and incidents;
- Available emergency response services and capabilities along transportation routes, nationwide and in Nevada, including alternative modes and routes;
- Impacts of the transportation impacts of the proposed action on state, local, and tribal emergency response services and resources; and
- Required project-specific emergency response planning, capabilities, and services; carrier and shipper procedures and services; and federal resources, capabilities, and response.

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Since the DEIS is inadequate in so many respects, especially with respect to its transportation elements, **the DOE must issue a new, revised DEIS and give the public new opportunities to comment**, including public hearings. At a minimum, the revised DEIS must address all of Eureka County's comments regarding Chapter 6, transportation-related impacts, and Chapter 9, mitigation.

Exhibits:

- A. List of acronyms used in these comments
- B. Comments of Eureka County property owners residing outside Eureka County
- C. List of Eureka County documents to which the DOE should refer during preparation of a revised DEIS
- D. Excerpt prepared by Eureka County from *Rail Alignment Design, Carlin Route, Crescent Valley Section, Plate 1*, U.S. DOE, Yucca Mountain Site Characterization Project, Civilian Radioactive Waste Management System, Management and Operating Contractor, EIS Privileged, undated
- E. *Population of Nevada's Unincorporated Towns--Historical Governor's Certified Series*, NV Department of Taxation and NV State Demographer, preliminary, November 15, 1999

- F. Flood Zone Analysis, Eureka County, NV
- G. Analysis of private parcels within 10 miles of Carlin corridor, Eureka County, NV
- H. Testimony of Eureka County Commissioners Pete Goicoechea and Sandy Green before the DOE, December 9, 1999, Crescent Valley, NV
- I. Video tapes, Crescent Valley public hearings before the DOE (December 9, 1999), and transcripts, including testimony of Nancy Loudon and Jamie Gruening
- J. Letter to Wendy R. Dixon, EIS Project Manager, DOE, from Eureka County's Local Emergency Planning Committee, January 19, 2000
- K. Current Flight Patterns, NAS Fallon, Department of the Navy and Bureau of Land Management, January 2000
- L. R.S. 2477 roads and their relationship to the DEIS for a Geologic Repository for the Disposal of SNF and HLW at Yucca Mountain

February 28, 2000

Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)

EXHIBIT A

List of Acronyms Used in These Comments

BLM	Bureau of Land Management (Department of Interior)
DEIS	Draft Environmental Impact Statement
CFR	Code of Federal Regulations
DOE	Department of Energy
FAA	Federal Aviation Administration
FEIS	Final Environmental Impact Statement
HLW	high level radioactive waste
LCF	latent cancer fatality
LEPC	Local Emergency Preparedness Committee
MRS	monitored retrievable storage
NAS	Naval Air Station
NEPA	National Environmental Policy Act
NDEP	Nevada's Division of Environmental Protection
NRS	<i>Nevada Revised Statutes</i>
NV	Nevada
NWPA	Nuclear Waste Policy Act, as amended
R&D	research and development
SNF	spent nuclear fuel
UP	Union Pacific
USC	United States Code
USFS	United States Forest Service (Department of Agriculture)
USEPA	United States Environmental Protection Agency
VA	Veterans' Administration

February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT B

**Comments of Eureka County Property Owners
Residing Outside Eureka County**

In addition to the three comments included in this exhibit, the following Eureka County property owners requested information from Eureka County's Yucca Mountain information office:

Mr. and Mrs. Henry Runge, Sr.
P.O. Box 503
Oroville, CA 95965-0503

Louise Blasquez
7033 Arthur St.
Oakland, CA 94605

Evelyn A. La Fave
Box 65
39 Manomet Point Rd.
Manomet, MA 02345-0065

Nov. 12, 1999

Dear Mr. Dixon,

Re: Yucca Mountain Repository DEIS

I am writing my comments to the DEIS to state my opposition to the creation of the Yucca Mountain facility in total, and with specific reference to the Carlin Route for transportation.

The DEIS fails to address impacts on issues I cover in the following text. I must state that my family has owned property in Crescent Valley since the late 50's. Although we are not residents there, if a place were ever known as "Peaceful Valley" this is it. Introducing a rail line or truck route through the valley would destroy a serenity not known in most areas of the U.S.A. Note that the newly created Escalante National Monument is a recognition of the beauty and value of the serenity in the Western areas. The fragile character of this remote community would be lost (taken) if the railroad were put in. Hasn't the sacrifice and contribution of the people of Nevada been enough already? Think about the testing and human experimenting of the recent past. Don't take the lifestyle too. It is a travesty to even think of making Nevada a dumping ground for facilities mostly located in the East and Midwest ~~and~~ at the continued risk, exposure, and expense (of lifestyle) of the citizens of Nevada.

Here are a few of the issues not even addressed in the DEIS on the Carlin route in regard to Crescent Valley:

Lifestyle - social, economic and quiet enjoyment of your property.

wildlife - wildlife corridors, range areas, viewing, rearing, grazing and hunting impacts.

Ranchers - Cattle ranging, rearing, feeding, security.

R.R crossings - locations?, at grade?, safety?, security, noise

Water/Floodplains - No mention of lakebed at Crescent Valley. Flashflooding, washouts, culverts, bridges, dam effect of Railroad and impact of backup water to Crescent Valley Town and valley landowners.

Earthquake - Is lakebed or valley soil subject to the liquefaction effect in case of earthquake? Note associated R.R impacts.

RR ownerships - who will own RR?
who will own the land?

Mitigation - for all of the above must
be stated.

I have a final area of personal concern and as a recommendation for partial mitigation for property owners. Many of the landowners are long-term family holdings. Regardless, the project should offer up-front a reverter clause or a right of first refusal to recover the property ownership once the 30 year period of usage has expired. The clause should also state that all lands will be restored to existing conditions with the reversion. The reversion price would be the price at which the land was purchased. This would have the effect of making family ownership whole at the end of the usage term.

Do us and the U.S. a favor. Don't do the Carlin route. Leave Yucca Mountain alone, and preserve Crescent Valley as it is.

Curtiss L Eckhardt

Mr. and Mrs. Curtiss Eckhardt
6325 W. Mansfield Ave. #232
Denver, CO 80235

EIS001878



Eureka County
Yucca Mountain
Information Office
P.O. Box 714
Eureka, NV 89316
ATTN. Abby Johnson

11/02/99 16:50

Jim M. Ellegado
217 1/2 Davis Street
Neptune Beach, FL
32266

EIS001878

October 29, 1999

To whom it may concern,

This letter is in response to the information I recently received in reference to the upcoming hearings on the Yucca Mountain Draft Environmental Impact Statement.

I own 20 acres of residential land in Crescent Valley, NV, that of which is presently uninhabited. Upon my visits to the land, I discovered that the high desert is definitely habitable but with a scarcity of water and trees. I was informed that the state of Nevada was willing to give trees to landowners to grow, which made me believe that Nevada encourages and supports the growth of community.

From acquired information from the Yucca Mountain Office, I must concur with the local peoples concern about the potential effects on the children and on the environment from nuclear waste. Being a parent myself, I have come to realize the vulnerability of children in their younger years and their susceptibility to disease from unhealthy surroundings. The groundwater is another subject to strongly consider. Is there research and statistics that can declare with no doubt that the water would not be adversely effected by radioactive leakage.

I believe the U.S. Department of Energy is not prepared or willing to give the people the potential negative impact this nuclear waste repository and its' transporting channels will have. There are no guarantees that this repository is safe.

It has been predicted by meteorologists that throughout the nation there will be cataclysmic occurrences with the weather for the year 2000. And the state of Nevada will not be isolated from these events. It behooves us to pay attention to the quality of the environment from which we are supported. The unrelenting and awesome number of cases of cancer are overwhelming. Can we undeniably discount radioactive waste as a cause for these afflictions?

To consider construction of a nuclear repository and its' rail lines is in total contradiction to the progression of growth in the state of Nevada.

Therefore, I strongly oppose this construction of potential destruction.

Sincerely,

Kim M. Elegado

Kim M. Elegado

P.S. I appreciate ^{the} your time & energy you spent sharing information. I'm the woman from Fla.

Write a message · 30 December 1999 · Page 1 of 1
WebTV Network

EIS001878

Write a message

From: meharg@webtv.net (margaret meharg)

To: www.yuccamountain.org

Subject: NuclearWaste Dec 31st 1999

Dear Sirs,

My name is Margaret E. Meharg my land is as follows *SEC 1 T29N R48E M0081M*

Now, in reading between the lines of the information on the Internet it would seem to me that this EVENT is going to take place sooner or later. *CRESCENT VALLEY.*

Yucca Mountain seems to be already prepared for this to happen.

The only comment I have to make is if this indeed must happen why not build a Mono-Rail type structure then there would be no Crossings, no Blockages also the Habitat of the animals would not be disturbed.

How feasible this suggestion is I have no idea.

Also a proper map should be published naming every area involved so that the public is aware.

One question I have is what happens to the mineral and Steam rights etc?

Personally I think the Mineral etc rights should still belong to the owners of the land at the time of the Sale to the Gov.

These are just a few thoughts about the EVENT.

I was thinking how quiet a MONO_ RAIL is.

Thanking you,

Margaret E. Meharg,
144 Menendez Road,
St Augustine,
Florida. 32084

Margaret E. Meharg.



February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT C

86

**List of Eureka County Documents to which the
DOE Should Refer During Preparation of a Revised DEIS**

Eureka County, 1992. *Eureka County Socioeconomic Conditions and Trends*.

_____, 1993. *Eureka County Socioeconomic Conditions and Trends*.

_____, 1994. *Emergency Management Existing Conditions and Needs*.

_____, 1995. *Emergency Response Case Studies*.

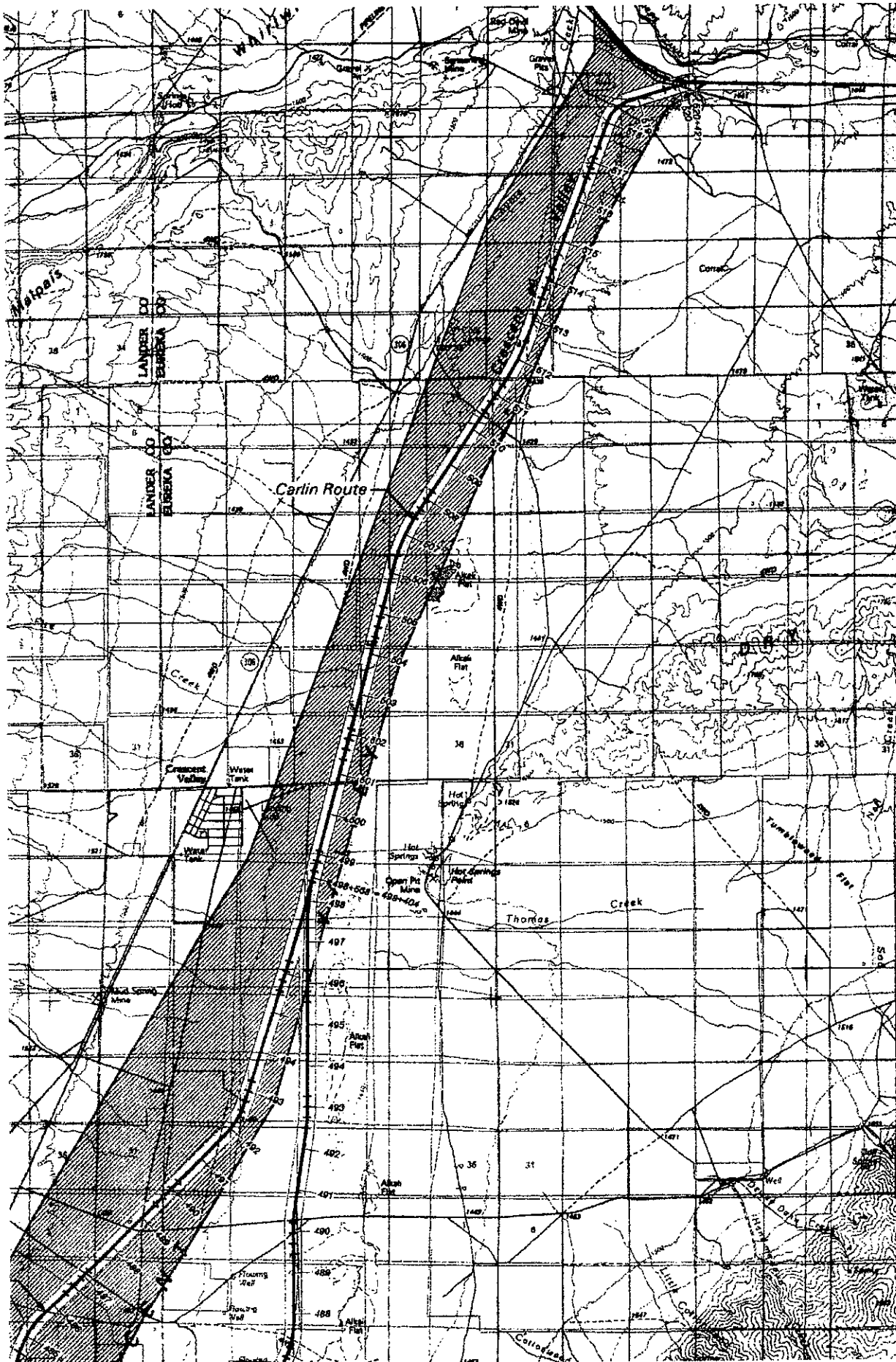
Planning Information Corporation, October 1993. *Issues Identification Report for the Carlin Rail Route Option*. Prepared for the Board of Eureka County Commissioners. Denver, CO.

February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT D

**Excerpt prepared by Eureka County from
Rail Alignment Design, Carlin Route, Crescent Valley Section, Plate 1,
U.S. DOE, Yucca Mountain Site Characterization Project,
Civilian Radioactive Waste Management System,
Management and Operating Contractor, EIS Privileged, undated**



February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT E

***Population of Nevada's Unincorporated Towns—Historic Governor's Certified Series,*
NV Department of Taxation and NV State Demographer, preliminary,
November 15, 1999**

EIS001878

Population of Nevada's Counties Incorporated Cities

POPULATION OF NEVADA'S UNINCORPORATED TOWNS-HISTORICAL GOVERNOR'S CERTIFIED SERIES

Preliminary 11/15/99

	JULY 1 1999	Percent Change 99-98	JULY 1 1998	Percent Change 98-97	JULY 1 1997	Percent Change 97-96	JULY 1 1998	Percent Change 96-95	JULY 1 1999	Percent Change 95-94	JULY 1 1994	Percent Change 94-93	JULY 1 1993
Esmeralda	1,520	7.0%	1,420	-2.7%	1,460	-2.0%	1,490	-8.6%	1,630	17.3%	1,390	5.3%	1,320
Goldfield	580	5.5%	550	0.0%	550	-2.6%	565	-	-	-	-	-	-
Silver Peak	230	-4.2%	240	14.3%	210	-2.1%	214	-	-	-	-	-	-
Eureka	1,930	17.7%	1,640	-1.2%	1,660	0.6%	1,650	4.4%	1,580	1.9%	1,550	-6.1%	1,650
Crescent Valley	400	14.3%	350	6.1%	330	1.5%	325	-	-	-	-	-	-
Eureka (town)	630	16.7%	540	5.9%	510	0.0%	510	-	-	-	-	-	-
Humboldt (No towns)	18,090	0.7%	17,970	2.6%	17,520	6.4%	16,460	1.2%	16,270	4.0%	15,640	7.8%	14,510
Lander	7,010	-0.4%	7,040	0.1%	7,030	4.8%	6,710	4.2%	6,440	0.5%	6,410	-0.3%	6,430
Austin	370	-2.6%	380	-9.5%	420	3.6%	405	-	-	-	-	-	-
Ballie Mountain	4,220	-11.0%	4,740	5.3%	4,500	4.7%	4,296	-	-	-	-	-	-
Kingston	250	4.2%	240	-4.0%	250	6.8%	234	-	-	-	-	-	-
Lincoln	4,250	1.4%	4,190	1.9%	4,110	2.2%	4,020	-2.2%	4,110	-5.3%	4,340	5.1%	4,130
Alamo	490	2.1%	480	28.7%	370	2.2%	362	-	-	-	-	-	-
Panaca	670	15.5%	580	41.5%	410	1.9%	402	-	-	-	-	-	-
Pioche	890	-3.3%	920	19.5%	770	1.9%	755	-	-	-	-	-	-
Lyon	34,150	6.1%	32,200	6.0%	30,370	6.6%	28,480	7.1%	26,580	4.7%	25,390	6.9%	23,750
Fernley	8,030	14.4%	7,020	7.8%	6,510	6.6%	6,105	-	-	-	-	-	-
Mineral	6,450	-2.6%	6,620	-3.5%	6,860	0.7%	6,810	1.6%	6,700	4.4%	6,420	-1.4%	6,510
Hawthorne	4,070	-7.3%	4,390	20.9%	3,630	0.8%	3,601	-	-	-	-	-	-
Luning	100	0.0%	100	0.0%	100	6.0%	94	-	-	-	-	-	-
Mina	320	-3.0%	330	6.5%	310	1.5%	305	-	-	-	-	-	-
Walker Lake	390	-2.5%	400	11.1%	360	2.1%	353	-	-	-	-	-	-

Estimates from Nevada Department of Taxation and
Nevada State Demographer, University of Nevada, Reno.

36311.36101

NOTE: In 1998, The Nevada Tax Commission adopted NEW METHODS for estimating the population of cities & towns.
This change in methods causes some unusual percent change figures from 1997 to 1998.

NOTE: Estimates presented for years prior to the current year are GOVERNOR-CERTIFIED; they may not reflect a consistent estimation methodology.

5

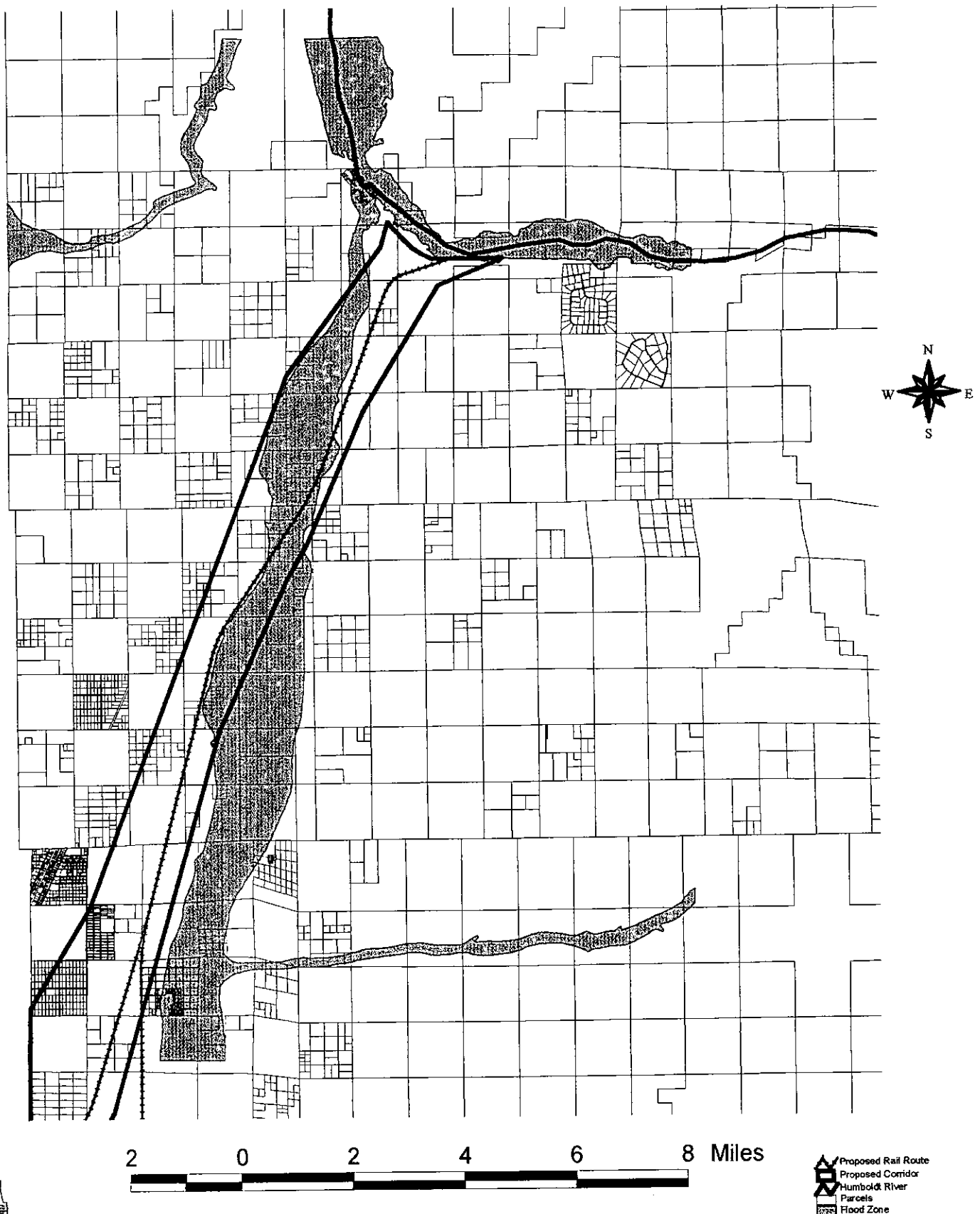
February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT F

Flood Zone Analysis, Eureka County, NV

FLOOD ZONE ANALYSIS - EUREKA COUNTY, NEVADA



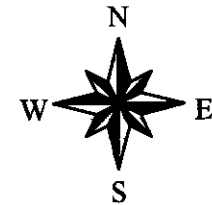
February 28, 2000

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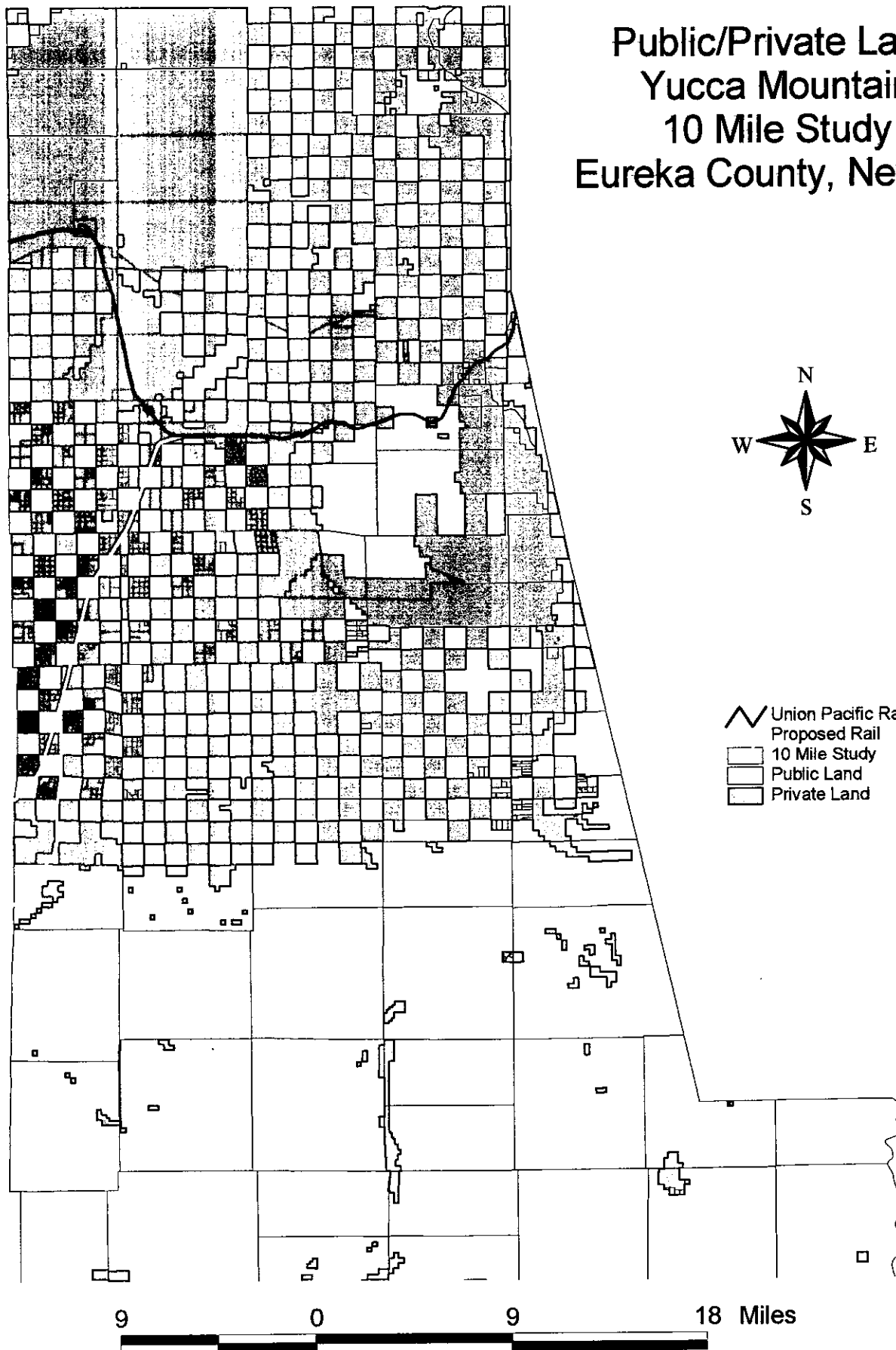
EXHIBIT G

**Analysis of Private Parcels within 10 Miles of Carlin Corridor,
Eureka County, NV**

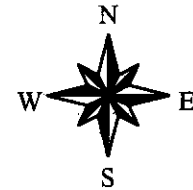
Public/Private Land
Yucca Mountain
10 Mile Study
Eureka County, Nevada







- Union Pacific Railroad
Proposed Rail
10 Mile Study
Public Land
Private Land



Yucca Mountain 10 Mile Study Area Eureka County, Nevada



-  Proposed RR
-  Union Pacific RR
-  10 mile study area
-  Parcel

8 0 8 16 Miles

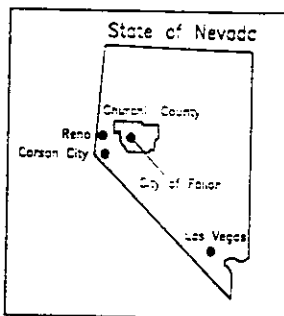
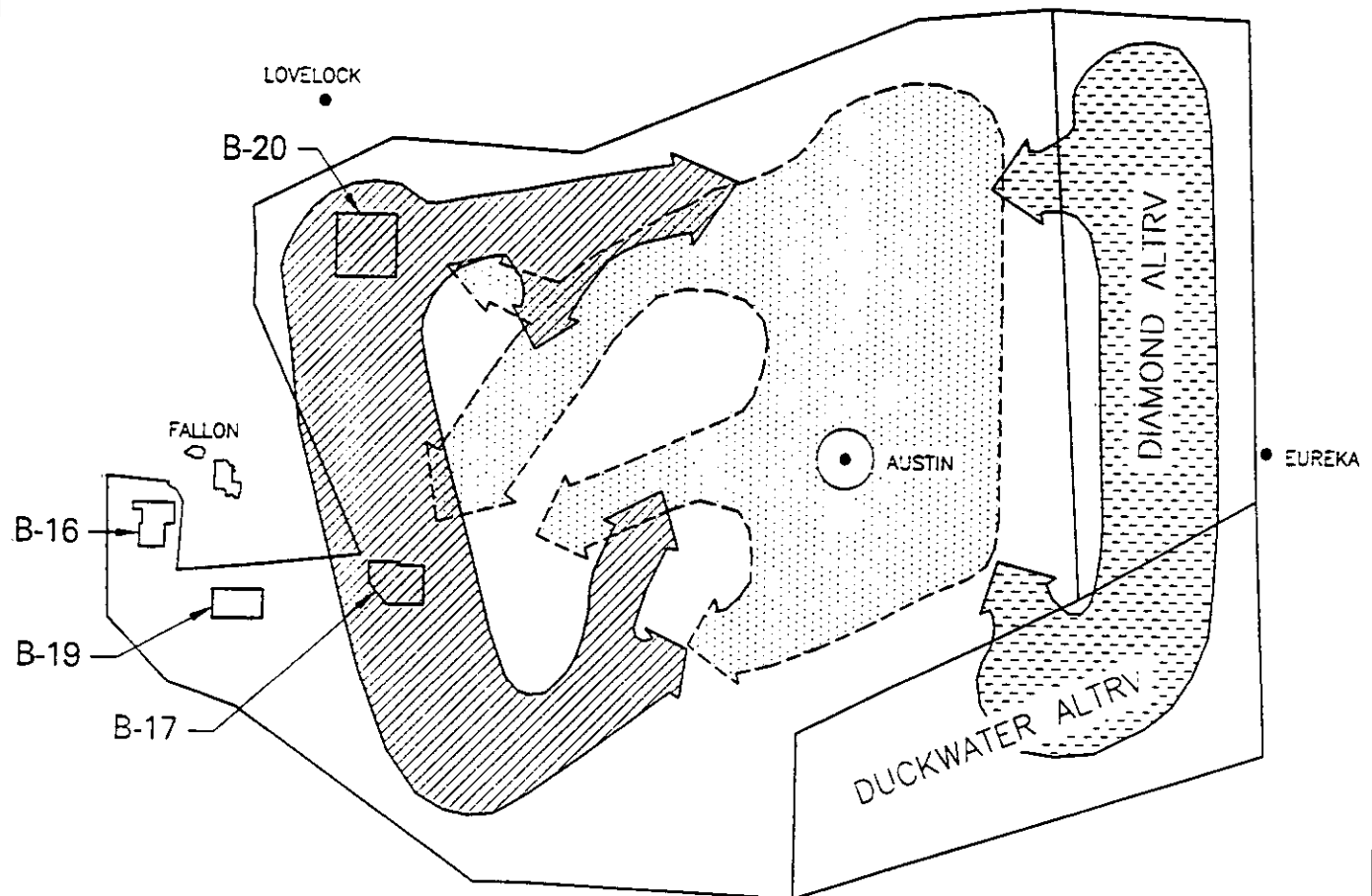


February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT K

**Current Flight Patterns, NAS Fallon,
Department of the Navy and Bureau of Land Management,
January 2000**



After air-to-air engagement with enemy aircraft, the training aircraft attack targets at B-17 and B-20. There is 5 nautical mile avoidance area for aircraft around the town of Austin.

Legend

- Staging Area for Training Aircraft (95% at 20,000 ft. MSL or higher)
- Staging Area for Enemy Aircraft (95% at 11,000 ft. MSL or higher)
- Air-to-Air/Electronic Warfare Training Area (95% at 11,000 ft. MSL or higher)

Current Flight Patterns

NAS Fallon, Nevada

Source: NAS Fallon

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Figure 3-1

February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT L

**R.S. 2477 Roads and Their Relationship to the DEIS for a
Geologic Repository for the Disposal of Spent Nuclear Fuel and
High-Level Radioactive Waste at Yucca Mountain**

Federal law

- Section 8 of chapter 262, 14 Statutes 253 (former 43 U.S.C. Sec. 932, commonly referred to as R.S. 2477), enacted in 1866, granted right of way for construction of highways over public lands not reserved for other public uses;
- An important purpose of the grant appears to have been to provide access to mining claims, but its operation was extended by section 17 of the Placer Law of 1870, which also affected other patents, preemptions and homesteads, so that the right of access was extended broadly to private property; and
- Section 8 of chapter 262 of the Statutes of 1866 was repealed in 1976 by section 706 of Public Law 94-579 (the Federal Land Policy and Management Act of 1976 [FLPMA]), but section 701 of Public Law 94-579 also provided that nothing in that Act shall be construed as terminating any valid right of way or other land use right or authorization existing on the date of the Act's approval.

Nevada Law

- Assembly Bill 176, Senate Bill 235, and Senate Joint Resolution No. 12 of the 1993 Legislative session recognized the acceptance of rights of way across public land by private use as accessory roads, dispensed with public maintenance, but declared all such roads open to public use, and urged the Federal Government to recognize the rights so acquired;
- A.B. 176 and S.B. 235 (1993) are codified at *Nevada Revised Statutes* 405.191 to 405.204, with certain amendments adopted in 1995 and 1997;

Exhibit L
page 2

- Senate Joint Resolution No. 11 of the 1997 Legislative Session urged the U.S. Congress to continue to ensure the permanent rights existing in those roads over public land that serve private property, and urged the Secretary of the Interior to allow for the identification of rights of way over public land in Nevada through an administrative process; and
- Senate Joint Resolution No. 2 of the 1999 Legislative Session expressed the support of the Legislature for amendments to the FLPMA that would require the Secretaries of the Interior and Agriculture to contract with each state that has enacted legislation recognizing the status of such rights of way, to provide for their identification and mapping.

Discussion

- Section 405.191 of NRS defines "public road" to include, among other things, "any way which exists upon a right of way granted by [R.S. 2477] and accepted by general public use and enjoyment before, on or after July 1, 1979." The statute says, "Public use alone has been and is sufficient to evidence an acceptance of the grant of a public user right of way pursuant to [R.S. 2477]";
- Sections 405.193 and 405.195 of NRS set forth Nevada's laws regarding maintenance, opening, reopening, closing, relocating, and abandoning public roads;
- Section 405.201 of NRS defines "accessory road" to include an R.S. 2477 "way" as to which general public use of enjoyment before 1976 is not established, but which provides access to privately owned land;
- Sections 405.202 and 405.203 of NRS set forth Nevada's laws regarding use, maintenance, liability, closure, and restriction of use of accessory roads; and
- Subsection 1 of NRS 405.204 sets forth a Legislative declaration that "the public interest of the State of Nevada is served by keeping accessory roads open and available for use by the residents of this state" because: (1) there are many such roads; (2) they provide access for fire control, law enforcement, search and rescue, medical personnel, and public utilities; (3) they provide access to public lands for members of the general public; and (4) they enhance the taxable value of private property they serve; and
- Subsection 2 of NRS 405.204 authorizes the attorney general to bring an action for a declaratory judgment against an agency of the United States responsible for the lands over which an accessory road runs that pursues the closing of an accessory road or demands a fee or permit for it use.

February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT H

**Testimony of Eureka County Commissioners
Pete Goicoechea and Sandy Green before the DOE,
December 9, 1999, Crescent Valley, NV**

**Testimony of Pete Goicoechea
Board of Eureka County Commissioners
on the Adequacy of the Draft Environmental Impact Statement
for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nevada
December 9, 1999
Crescent Valley, Nevada**

My name is Pete Goicoechea and I am the chairman of the Board of Eureka County Commissioners. I am here today on behalf of the Eureka County Commission to make some preliminary comments on the adequacy of the draft Environmental Impact Statement.

I want to thank the Department of Energy for holding EIS hearings in Crescent Valley. We appreciate the DOE's willingness to hold hearings in the vicinity of the impacts in our county.

Today it is my intent to provide some basic comments. We plan to submit detailed written comments by the deadline of February 9, 2000.

Eureka County is one of the ten "affected" units of local government under Section 116 of the Nuclear Waste Policy Act as amended. While the Eureka County Commission has not taken a formal position on the Yucca Mountain project, we are very concerned about the impacts that a proposed rail route could have on our county. We are especially concerned that this EIS, the impact identification document, does not identify those impacts.

The EIS makes clear that DOE intends to make a decision on the mode and route of transportation based only on the information in this EIS. Therefore, we believe that the EIS ought to have adequate information for all routes so that an informed decision could be made. That information is lacking in this EIS.

Impacts of building the rail line in Eureka County

The EIS states that DOE intends to make a decision which mode (rail, truck, or heavy-haul) and route based on this information. Based on the limited information presented in this document, such a decision would not be an informed one because there is so little information about the routes, the communities they travel through, and even DOE's concepts for operating a rail line.

What's missing in the EIS? Almost everything practical that we need to know about a proposed rail line. Who will own it? Who will operate it? Who will own the track? Who will own the land under the track? Will it be fenced? Who repairs the fencing? Who makes repairs to the rail line? How many at grade crossings are contemplated? Underpasses? Overpasses? How will ranchers get to their cattle if the allotment is bisected? Will there be an access road next to the rail line?

59% of the assessed parcels in Eureka County are within ten miles of the proposed route. The proposed route is within five miles of the second largest population center in Eureka County. The EIS makes little mention of impacts on people. It does not adequately address the effects of building and operating a rail line on or near private property, and does not address the possible stigma effects on property values.

Flood plain

In our review of the DEIS in relation to the on-the-ground knowledge that we have of our county, we have some major concerns. The flood plain information is not complete, and does not acknowledge the severe flooding problems in the vicinity of the proposed rail route in Eureka County. The assurance on page 6-47 that "the operation of a branch line would stop during conditions that could lead to the flooding of track areas and would not resume until DOE had made necessary repairs" raises more questions than it answers. Where would the trains sit waiting for the repairs to take place? For how long? How will flash floods be detected in time to stop the shipment, and where?

Grazing

The EIS does not have adequate information about the impacts on grazing. The EIS states that fencing decisions rest with the Bureau of Land management and U.S. Fish and Wildlife. The information on fencing is not definitive, and excludes local government, the local community, and affected livestock operations from input.

Emergency Management and Response

The Draft EIS is inadequate in its analysis of local government demands related to public health and safety. The county will be submitting detailed comments in this area as well. The EIS does not address the emergency management and response and emergency medical needs and costs that a nuclear waste rail line would require. There does not appear to be analysis or discussion of the potential activities and costs needed during all phases of emergency management and response including preparedness, response, and recovery.

Alternate Highway Routes

The EIS is also insufficient because it does not consider the possibility of roads other than interstates being the routes for nuclear waste transportation to Yucca Mountain. The study done by the Nevada Dept of Transportation several years ago indicated that likely routes could be the "A" or "B" routes, both of which run south from Wendover to Ely on the way to Yucca Mountain. If either of those were ultimately designated, Eureka County could be a host for alternate routing, either I-80 in the north or Highway 50 in the south. The EIS does not address alternate routing in the event of accidents, construction or weather, and it should.

Need for Baseline Health Data

In November of 1995, Eureka County submitted scoping comments to the Department of Energy, suggestion issues that should be covered in the EIS. One of our themes was the need for baseline health data along with a method of compensation which would ensure that the victims are compensated in a timely manner for their exposure. This was not adequately addressed in the EIS.

Humboldt River

The EIS provides little analysis of the impacts of a release of radioactivity in the Humboldt River, which is crossed many times by the rail line and paralleled by the interstate. The EIS also does not analyzed the impacts of nuclear waste transportation, over decades, on the existing rail and highways within Nevada's borders, but not new construction.

Military Airspace Impacts

Also absent from the EIS is an adequate analysis of the cumulative impacts and potential conflicts from military airspace practice areas (ranges) and the rail route.

Conclusion

The Eureka County Commission believes that DOE's environmental impact statement is inadequate and incomplete. We believe that the information in the current document is not adequate and should not be used of itself as a decision making tool for selection of modes and routes for transportation. The lack of mitigation in the document indicates that DOE does not truly understand the magnitude of the impacts of this major project. The cumulative impacts analysis lacks the depth that we would expect from such a large government project, likely to span many generations.

We expect that DOE will revise this EIS significantly to address the deficiencies, and to provide the level of detail needed for informed decision making.

Thank you.

**Testimony of Sandy Green
Board of Eureka County Commissioners
on the Adequacy of the Draft Environmental Impact Statement
for a Geologic Repository for the Disposal of Spent Nuclear Fuel
and High-Level Radioactive Waste
at Yucca Mountain, Nevada
December 9, 1999
Crescent Valley, Nevada**

My name is Sandy Green, and I am the vice-chairman for the Board of Eureka County Commissioners. I am here today on behalf of the Eureka County Commission to make some preliminary comments on the adequacy of the Department of Energy's Draft Environmental Impact Statement (DEIS) on Yucca Mountain. The Commission chairman will provide additional comments at the evening hearing.

We appreciate the Department of Energy's willingness to come to Crescent Valley to hold these hearings in the area where the impacts could be. It means that DOE will be hearing today from local residents who could be affected by the proposal to build a branch rail line to transport high-level radioactive waste and spent nuclear fuel to Yucca Mountain.

Eureka County is one of the ten "affected" units of local government under Section 116 of the Nuclear Waste Policy Act as amended. The County Commission is very concerned about the impacts that a proposed rail route could have on our county, especially Crescent Valley, and that the DEIS does not do a thorough or adequate job of identifying those impacts.

Economic development

The DEIS does not adequately address the potential effects that this project could have on property values within our county. Our concern has several dimensions. We are concerned about the potential loss of market value because of the stigma of a nuclear waste rail line in the county. With the strong agricultural base in the county, the nuclear stigma could affect not only property values but also crop prices. We are also aware that such stigma can stymie our efforts to diversify the local economy and attract new enterprises to the county not to mention retaining existing businesses. The recent nuclear accident in Japan is a case in point, where both tourism and potential business were negatively impacted. The term for this is "disinvestment" and we believe that this project could have that sort of impact on our county and our state.

Flood plain

One of the recurring comments I hear is that the proposed rail line is sited in the Flood plain, in the playa which floods up to four feet in wet years. This DEIS contains information which has not been verified or "ground truthed." The information in the document is insufficient to make an informed decision about which rail route to select. Flooding is an example of this.

Effects on Native Americans

Page 3-114 of the DEIS states that Native Americans live in the vicinity of two of the candidate rail corridors- Jean and Valley Modified. This statement should be rewritten to acknowledge that the Western Shoshone Dann sisters live in Crescent Valley in the vicinity of the proposed Carlin route.

Need for current data

The DEIS uses 1990 census data which is clearly outdated for Nevada, a fast growing state. Current data is available from the state demographer and should be used in the DEIS. Do not penalize Nevada for its growth rate or for the fact that this project is being proposed before the next national census.

Agency cooperation and consultation

Because over 87% of Eureka County is managed by the Bureau of Land Management (BLM), it seems that more input is required from that agency regarding the variety of impacts that the rail route could have on land and resources that they manage. We were shocked to read in Appendix C that DOE only met once with BLM and that there was no ongoing communication or interaction mentioned regarding DOE's multi-faceted proposal.

We hope that BLM would not hold DOE's proposed action to any lesser standard than they require of the mining and the ranching industries.

I have here a current DEIS from the Cortez South Pipeline project which was submitted to the Commissioners. This DEIS has the kind of detailed, site specific information that DOE should be gathering for each proposed rail corridor at this time in order for there to be adequate information for route selection.

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Nevada transportation

Another area where the DEIS is deficient is in its treatment of existing rail and highway within Nevada. For example, from West Wendover to Beowawe, the interstate and the Union Pacific rail line go through several communities and cross the Humboldt River. You would never know that from reading this document.

Conclusion

A major flaw in this DEIS is that the Department of energy appears to want to disconnect the development of Yucca Mountain as a repository from the transportation of nuclear waste. As it stands now, DOE is not funding transportation development. This DEIS reflects that priority. Since the origins and destination of the nuclear waste are known, the DOE should have identified specific routes in the DEIS, which would have informed communities throughout the country of the DOE's plans.

This DEIS is not adequate to make an informed decision on modes and routes, even though DOE states that they intend to make routing decisions based only on the information in this DEIS.

We believe that the DEIS is inadequate and call upon the Department of Energy to release a new draft for public comment which corrects these deficiencies. It is essential that the public and the affected units of local government have an opportunity to review and comment on the changes that DOE will make. A new draft will ensure that the public has a voice.

Thank you.

February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT I

**Video Tapes and Transcripts, Crescent Valley Public Hearings Before the DOE
(December 9, 1999)**

67

BEFORE THE DEPARTMENT OF ENERGY

Hearing on the
Draft Environmental Impact Statement
for a Proposed Repository
at Yucca Mountain, Nevada

Crescent Valley Town Hall
Crescent Valley, Nevada

Thursday, December 9, 1999
11:35 a.m.

COPY

Reported by:

ERIC V. NELSON, CCR #57

APPEARANCES

MODERATOR:

BARRY R. LAWSON
Barry Lawson Associates
Peacham, Vermont

FOR THE Department OF ENERGY:

KENNETH J. SKIPPER
EIS Document Manager
1551 Hillshire Drive,
Suite A
Las Vegas, Nevada

I N D E X

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1 CRESCENT VALLEY, NEVADA, THURSDAY, DECEMBER 9, 1999

2 11:35 A.M.

3 -o0o-

4
5 MR. LAWSON: My name is Barry Lawson. I am
6 pleased to serve as facilitator for this public meeting in
7 Crescent Valley, Nevada, on the Draft Environmental Impact
8 Statement for a geologic repository for the disposal of
9 spent nuclear fuel and high level radioactive waste at
10 Yucca Mountain. I'm a neutral facilitator who is neither
11 an employee of nor an advocate for the Department of
12 Energy, the State of Nevada, or any other interested
13 party.

14 It is my intent to insure that the public has
15 an adequate opportunity to provide comments to the
16 Department of Energy either through oral or written
17 presentation. I ask for your cooperation in achieving
18 this goal.

19 The court reporter for this session is Eric
20 Nelson, and I have asked him to notify me at any time that
21 he needs to have any of your comments clarified. It will
22 be important that only one person speak at a time. It is
23 my responsibility to make sure that everybody present has
24 an opportunity to offer comments.

25 The Department of Energy will not be

1 answering or responding to questions raised at this time
2 as the purpose of this session is to receive your formal
3 comments that will be addressed in the Final Environmental
4 Impact Statement.

5 I'll call each person in the order given to
6 me by the registration staff. As I call each person I
7 will also announce the two following speakers so that you
8 can be more adequately prepared.

9 It is not my intent to limit anyone's
10 comments. As you can see, there are a number of people
11 who would like to speak this morning. I generally ask
12 people to stick to a five-minute limitation at least for
13 initial comments. Then after everyone else has had an
14 opportunity for their initial five minutes, if you have
15 other comments that you would like to make, to come back
16 and finish your comments after everyone else has spoken.

17 I'm going to relax that a little bit but not
18 too much because we do have 10 or 12 speakers, and we're
19 scheduled to go to one o'clock. I'm going to try to
20 manage that as well as possible.

21 Try to stick to the five minutes. If you
22 need a little extra time, I'll certainly bear with you.
23 I'll give you a 30-second warning when there is 30 seconds
24 left in the five minutes so you will have some notion of
25 how you are doing for time.

1 Now if you have written comments, or written
2 copy of your comments, I should say, or if you have
3 additional comments beyond those that you offer orally,
4 I'd ask you to drop them in the comment box which is back
5 in that corner over there before you leave today. Should
6 you have supplemental reference material that you would
7 like to have included in the record, please give those to
8 me when you speak so that I can have them officially
9 entered as exhibits to this meeting.

10 Now I must insist on there being quiet in
11 this room during the formal comment period so that the
12 court reporter can make an accurate record of all comments
13 and the officials in the audience of course can understand
14 what those comments are. So if you have additional
15 conversations that are necessary, if you would not only
16 step out in the hallway but perhaps go outside or down the
17 hallway so it doesn't interfere with the procedures here,
18 I'd greatly appreciate that.

19 I doubt there is going to be any need for
20 recesses unless it goes a lot longer than I suspect that
21 it will, and I want to thank you in advance for
22 cooperating in making this meeting as respectful as
23 possible.

24 Are there any questions before we begin?

25 Okay. When I call you -- yes, please.

1 FROM THE FLOOR: Will this evening's session
2 be a duplicate of this, or is it entirely separate?

3 MR. LAWSON: No, it will be very much the
4 same thing. The first part of it will be a presentation,
5 with opportunities for questions and answers, and then for
6 formal comments.

7 FROM THE FLOOR: So if someone doesn't have
8 time to do their formal comment now, it can be this
9 evening.

10 MR. LAWSON: Yes, please, for sure.

11 FROM THE FLOOR: Thank you.

12 MR. LAWSON: You can sign up for a time
13 before you leave. When you are called to speak, come up
14 to this table right here, tell the court reporter your
15 name, and then begin, and please speak toward the court
16 reporter. We have set this up so you have no choice on
17 that matter, because it makes it much easier for him to
18 get an accurate record if he can see you speaking.

19 Of course, just a final reminder, anybody who
20 has not preregistered to speak but thinks that they would
21 like to speak, please see Ethan over in the corner there,
22 and he will make sure that you have a chance to speak
23 before we leave.

24 With that as background, the first person or
25 first item I have here is the State of Nevada. Is there

1 somebody from the State of Nevada who is here to make a
2 presentation?

3 MS. JOHNSON: No, they will be here this
4 evening.

5 MR. LAWSON: Thanks, Abby.

6 The first speaker I have is Sandy Green, and
7 she would be followed by Ron Rankin and Pat Leppala.

8 PUBLIC STATEMENT OF SANDY GREEN
9

10 MS. GREEN: My name is Sandy Green,
11 S-a-n-d-y, G-r-e-e-n. And I'm the vice chairman for the
12 Board of Eureka County Commissioners.

13 I am here today on behalf of the Commission
14 to make some preliminary comments on the adequacy of the
15 Department of Energy's Draft Environmental Impact
16 Statement on Yucca Mountain.

17 The Commission Chairman will provide
18 additional comments at this evening's hearing.

19 We do appreciate the Department of Energy's
20 willingness to come to Crescent Valley to hold these
21 hearings in the area where the impacts could be. It means
22 that the Department will be hearing today from local
23 residents who could be affected by this proposal to build
24 a branch rail line to transport high-level radioactive
25 waste and spent nuclear fuel to Yucca Mountain.

1 Eureka County is one of the ten affected
2 units of local government under Section 116 of the Nuclear
3 Waste Policy Act as amended. The Commission is very
4 concerned about the impacts that a proposed rail route
5 could have on our county, especially Crescent Valley, and
6 that the draft does not do a thorough or adequate job of
7 identifying those impacts.

8 The draft does not adequately address the
9 potential effects that this project could have on property
10 values within our county. Our concern has several
11 dimensions.

12 We are concerned about the potential loss of
13 market value because of the stigma of a nuclear waste rail
14 line in the county. And with our strong agricultural base
15 in this county, the nuclear stigma would affect not only
16 property values but also crop prices.

17 We are also aware that such stigma can stymie
18 our efforts to diversify the local economy and to attract
19 new enterprises to this county, not to mention retaining
20 our existing businesses.

21 The recent nuclear accident in Japan is a
22 case in point where both tourism and potential business
23 were negatively impacted. The term for this is
24 disinvestment, and we believe that this project could have
25 that sort of impact on our county and on our state.

1 One of the recurring comments I hear is that
2 the proposed rail line is sited in a flood plain, in the
3 playa which floods up to four feet in wet years. The
4 draft contains information which has not been verified or
5 ground truthed. The information in the document is
6 insufficient to make an informed decision about which rail
7 route to select, and flooding is an example of this.

8 On page 3-114 of the draft, it states that
9 Native Americans live in the vicinity of two of the
10 candidate rail corridors, Jean and Valley Modified, and
11 this statement should be corrected to acknowledge that the
12 Western Shoshone Dann sisters live in Crescent Valley in
13 the vicinity of the proposed Carlin route.

14 The draft also uses 1990 census data which is
15 clearly outdated for the State of Nevada, the fastest
16 growing state in the union. Current data is available
17 from the state demographer and should be used in the
18 draft.

19 Do not penalize Nevada for its growth rate or
20 for the fact that this project is being proposed before
21 the next national census.

22 Because over 87 percent of our county is
23 managed by the Bureau of Land Management, it seems that
24 more input is required from that agency regarding the
25 variety of impacts that the rail route could have on land

1 and resources that they manage.

2 We were surprised to read in Appendix C that
3 the Department only met once with BLM and that there are
4 no ongoing communication or interactions mentioned
5 regarding the Department's multi-faceted proposal.

6 We would hope that BLM would not hold the
7 Department's proposed action to any lesser standard than
8 they require of the mining and the ranching industries.

9 I have here the current draft from the Cortez
10 South Pipeline project which was submitted several
11 meetings ago to the Commissioners. This draft has the
12 kind of detailed site specific information that the
13 Department should be gathering for each proposed rail
14 corridor at this time in order for there to be adequate
15 information for route selection.

16 Another area where the draft is deficient is
17 in its treatment of existing rail and highway within
18 Nevada. For example, from West Wendover to Beowawe, the
19 interstate and Union Pacific rail line go through several
20 communities and cross the Humboldt several times, and you
21 would never know that from reading the draft.

22 A major flaw in this draft is that the
23 Department of Energy appears to want to disconnect the
24 development of Yucca Mountain as a repository from the
25 transportation of nuclear waste. As it stands now, the

1 Department is not funding transportation development, and
2 the draft reflects that priority.

3 Since the origins and destination of the
4 nuclear waste are known, the Department should have
5 identified specific routes in the draft which would have
6 informed communities along the country or throughout the
7 country of the Department's plans.

8 This draft is not adequate to make an
9 informed decision on modes and routes, even though the
10 Department states that they intend to make routing
11 decisions based only on the information in this draft. We
12 believe it is inadequate and call upon the Department of
13 Energy to release a new draft for public comment which
14 corrects these deficiencies.

15 It is essential that the public and the
16 affected units of local government have an opportunity to
17 review and comment on the changes that the Department will
18 make. A new draft will insure that the public has a
19 voice. Thank you.

20 MR. LAWSON: Thank you very much.

21 MR. SKIPPER: Thank you, Sandy.

22 MR. LAWSON: Our next speaker is Ron Rankin.

23 MR. RANKIN: Sir, I'd like to be moved to
24 this evening to make comments when the full Planning
25 Commission is present.

1 MR. LAWSON: Sure. That's fine. Then Pat
2 Leppala, and she would be followed by Lee Louden and Nancy
3 Louden.

4 PUBLIC STATEMENT OF PAT LEPPALA
5

6 MS. LEPPALA: Dear friends and members of the
7 Department of Energy staff: My name is Patti Leppala,
8 L-e-p-p-a-l-a.

9 I would like to go on record as saying we
10 need an alternative study to the proposed rail line. The
11 members of Crescent Valley got together, and we found 60
12 unanswered questions in one hour. We feel that a rail
13 line is inconsistent with the growth of this community.
14 We found towns named that aren't here, and we found towns
15 that were here that weren't really referred to.

16 I want to thank you for coming and to
17 listening to us, and again, that we are against the
18 proposed railway and would like an alternative proposal to
19 evaluate.

20 MR. LAWSON: Thank you.

21 MR. SKIPPER: Thank you, Patti.

22 MR. LAWSON: Lee Louden and Nancy Louden and
23 Charles Harper.

24 PUBLIC STATEMENT OF LEE LOUDEN
25

1 MR. LOUDEN: Hello. My name is Lee Louden.
2 My family and I own the Crescent Valley Mineral Hot
3 Springs Trailer Park and Farms which is located one
4 and-a-half miles from the proposed rail line outside of
5 Crescent Valley at Hot Springs Point.

6 The rail line crosses between our place and
7 town. We have a lot of concerns about the impact on our
8 area there because it's a major riparian area and a
9 wildlife area.

10 So I have quite a few questions, but I just
11 feel that the EIS, the DEIS inadequately answers these
12 questions. My first question would be: The loss of
13 quality of life around here because of the fact that that
14 rail line will be going in front of our house.

15 Question two: Will the private property
16 along the tracks be condemned? If so, will the property
17 owners be given fair market value? The EIS is inadequate
18 on this question.

19 Will the rail line be single use or will
20 there be other potential users, like the mines?

21 Some of these questions were already
22 answered, but I'll still put them in here.

23 Who will own the railroad right-of-way?

24 If we experience a loss of property values as
25 a result of this railroad, will we be compensated for loss

1 of property value?

2 Will the radiation levels in our area be
3 monitored?

4 Will the Crescent Valley airport be
5 restricted? It goes right into the quarter mile corridor.

6 Where does the liability lie in the event of
7 a major accident?

8 And then, I feel that the EIS is inadequate
9 on the subject of a no action scenario. Both 1 and 2 are
10 unreasonable. Thank you.

11 MR. LAWSON: Thank you.

12 MR. SKIPPER: Thank you.

13 MR. LAWSON: I'd like to call on Nancy
14 Louden.

15 MS. LOUDEN: I want to pass because my
16 husband pretty much covered what I was going to say.

17 MR. LAWSON: Okay. Fair enough. Then
18 Charles Harper. Mr. Harper here?

19 I'm going through my list much faster than I
20 thought I was going to. Jennifer Viereck. Then Joseph
21 Carruthers and Corbin Harney. Did I get that last name
22 close?

23 PUBLIC STATEMENT OF JENNIFER VIERECK
24

25 MS. VIERECK: Viereck. Pretty good. My name

1 is Jennifer Viereck, V-i-e-r-e-c-k. I live in the Yucca
2 Mountain area, although I have been welcomed in this
3 community a number of times over the years by the Danns
4 and others, and I'm grateful to be back.

5 I am going to have additional comments this
6 evening. I'd like to keep it short. I was expecting more
7 speakers. But there is a number of things that I'd like
8 to address that I think the draft Environmental Impact
9 Statement does not cover adequately.

10 One of the first that I'm concerned about is
11 simply the term that we're using for the materials that
12 will be transported. The term spent fuel gives the sense
13 that it's less radioactive than it actually is. I think
14 most of us are used to using the term spent in terms of
15 our family budgets and that sort of thing. And when you
16 spend your money and you look in your checkbook, you got a
17 balance of zero; right?

18 Well, when you talk about spent nuclear fuel,
19 we're talking about materials that are a million times
20 more radioactive after its use in a reactor than before.
21 I don't think any of us will find a million dollars at the
22 end of our checkbook balance. I feel that is a very
23 misleading term for normal people, and I would ask that
24 the DOE look into using a more appropriate term such as
25 irradiated fuel.

1 I also believe that the DEIS does not
2 adequately address a number of legal issues. The first
3 and most important in my view is the issue of the Ruby
4 Valley Treaty. There is very little information in the
5 DEIS about the Ruby Valley Treaty which acknowledged in
6 1863 that the Western Shoshone have sovereignty over this
7 land. It is in litigation at this present time in
8 international courts, the Organization of American States,
9 and it continues to be litigated in federal courts. All I
10 could find in the summary was one small green paragraph
11 set aside as though it were a point of interest along the
12 highway and not a real issue to be dealt with.

13 So I would ask that that be much more
14 adequately addressed.

15 There is a proposal for withdrawing 230
16 square miles for the Yucca Mountain repository, additional
17 to the lands that have already been withdrawn that are
18 bigger than the size of the state of Rhode Island for the
19 Nevada Test Site itself. And as Lois was pointing out
20 earlier, there are many many issues of impacts on plants
21 that are used for medicines and foods, animals that are
22 hunted and used in other ways in the community, things
23 that are used for building, such as willow and that kind
24 of thing, and they seem extremely inadequate. So I would
25 ask that these things be addressed.

1 There is also conflicts with state laws.
2 State of Nevada laws specify quite clearly that the State
3 of Nevada does not accept high level waste. So we'll be
4 in continuous conflict and litigation over this.

5 It's also a felony to contaminate ground
6 water in the State of Nevada. There's already proven and
7 is even mentioned in this document serious contamination
8 at the Nevada Test Site already, and no prosecutions are
9 taking place for that. This is clearly something that
10 needs to be addressed.

11 I think we need to really look at the
12 National Environmental Policy Act which specifies clearly
13 that it's to be used to look at whether something will
14 protect or enhance the environment and not to justify a
15 decision that's already in process or being made. There
16 has been no other site looked at or no other method to
17 isolate the waste that we're talking about. And it seems
18 to be a political decision. I think this is illegal, and
19 I think it needs to be addressed a lot more clearly.

20 The purpose, the mission of the Yucca
21 Mountain repository as originally stated was to isolate
22 nuclear waste from the environment, both human and
23 natural, and it's quite clear from this document, as I
24 read it, that it's already been acknowledged that that's
25 an impossibility. So I don't even understand why we're

1 having this discussion. Because if we cannot isolate the
2 waste, if it is going to leak, whether we're talking a
3 hundred or a thousand years, we're looking at materials
4 like plutonium that have a dangerous life span of half a
5 million years. As plutonium breaks down it creates other
6 isotopes which last even longer.

7 The document states clearly there is a
8 material called neptunium that does not even peak in its
9 releases for 300,000 years. So if we can't isolate the
10 material, then why are we shoving it in a hole in the
11 ground and covering it over? Why don't we keep it above
12 ground where scientists can monitor it. If it is safe
13 enough to transport, isn't it safe enough to keep in one
14 place?

15 Why can't we monitor it and be careful about
16 it until we do have technology that will isolate it and
17 not poison a planet we live on.

18 I'm also concerned about the population
19 figures that are used in the DEIS. In my area, near
20 Pahrump, the figures are already inadequate, and I
21 understand that the projections only go to the year 2001,
22 and these are already inadequate.

23 Pahrump is the fastest growing community in
24 the United States right now. We have an increase in
25 population of over a thousand people per month. Las Vegas

1 has an increase of 4- to 5,000 people per month. If these
2 populations continue to grow at this rate, there's going
3 to be people living on Yucca Mountain by the time this
4 place opens. This is not adequately addressed.

5 My questions earlier about exposure,
6 accumulative exposure. If this panel cannot address them,
7 then I think that's extremely important. If we have rules
8 and regulations for transporting materials that specify
9 they need to be moved in 48 hours, then why isn't this
10 addressed in this book more adequately so that our
11 questions can be answered?

12 We're talking about materials that are
13 extremely deadly, and all of us are very concerned and
14 want factual information. We want to know about
15 cumulative effects. People who live along rail lines and
16 have herds and growth materials, farms, who raise alfalfa
17 and family foods, people who go out and harvest natural
18 medicines and so forth need this kind of information.

19 There is also no cumulative figures that I
20 could find regarding the fact that this is being built
21 adjacent to the Nevada Nuclear Test Site. The Nevada
22 Nuclear Test Site is already exposing everyone in the area
23 through the air, through soils that blow around in high
24 level winds, through the water, and there's not
25 information about how this would cumulatively affect

1 people in terms of genetics, natural wildlife or human
2 health. I think this is inadequate and needs to be
3 addressed with a lot more concern.

4 There's also a concern about what water will
5 be used in that area. The water in that area that is
6 being discussed for use in making cement and that kind of
7 thing, spraying down the grounds, is already potentially
8 contaminated from testing. Testing took place above,
9 below and actually within the water table at the Nevada
10 Nuclear Test Site.

11 So my concern is that in addition to all of
12 these things, there's also the problem that the amount of
13 materials that you are talking about moving will actually
14 have reached its peak, we will have this 70,000 tons of
15 material by the time you're actually trying to open the
16 doors down there, and so we'll again be in the same
17 problem with reactors all over the United States producing
18 these kind of materials, stacking them up everywhere, and
19 at the same time, we will have exposed 50 million people
20 along the rail routes and the highways, we will have
21 exposed 43 states, we will have exposed many so far clean
22 areas, such as this one, and we'll have the same problem.
23 And yet we'll have all this material shoved in the ground
24 where there is nothing we can do to monitor it or take
25 care of problems as they occur. Thank you.

1 MR. LAWSON: Thank you.

2 MR. SKIPPER: Thank you.

3 MR. LAWSON: Joseph Carruthers. Following
4 Mr. Carruthers, Corbin Harvey and Lois Whitney.

5
6 PUBLIC STATEMENT OF JOSEPH CARRUTHERS

7 MR. CARRUTHERS: My name is Joseph
8 Carruthers. I'm a resident of Crescent Valley. My name
9 is spelled C-a-r-r-u-t-h-e-r-s.

10 I'm a very concerned citizen, and took it
11 upon myself to get a committee started so we could address
12 these issues that are affecting our way of life. Many of
13 us who live out here have come here for specific reasons,
14 and that is to get away from the urban sprawl and problems
15 that come with that. We feel that we are being infringed
16 upon with this process that's going on now with Yucca
17 Mountain. And I have some questions -- some comments to
18 make in regards to inadequacies in the EIS.

19 Number one, on 6-62, it mentions that there's
20 only one spring. Well, I found that not to be true.
21 Looking on any of the maps that we have here, and there is
22 an additional one that is below this, just so that it is
23 on record for the water and maybe not just a spring but
24 because wherever water comes from the ground there is one
25 flowing well, there is six additional springs, there is

1 six borderline springs. And I'd also like to mention of
2 this if there ever was a problem, the old pluvial lakes
3 that existed out here, a lot of them drained into Crescent
4 Valley. Grass Valley, and Carico Lake Valley have
5 drainages that come into here.

6 All this water flows from there to here. So
7 if anything in between here and there is happening, it is
8 unretrievable, there would be problems.

9 Also there are three creeks that run year
10 round that would be near this or through the proposed rail
11 route, Steiner, Skull, Callahan, and also I might add a
12 fourth one, Indian Creek as well, which is just right up
13 over here.

14 That is one of my main concerns, as well as
15 our hot spring system that we have. Now, there are two
16 private residencies with thermal springs, and at the Hot
17 Springs Point, the spring is undeveloped, and a lot of
18 animal life in this valley go to there for watering and
19 for food, as well as, I might add, the Loudens, on their
20 developed spring, and I have seen this personally, many
21 types of migratory fowl and animals come through there as
22 well.

23 I did have a question I want to bring up, and
24 I know this isn't a comment period. We have been provided
25 with two different maps showing the differences on the

1 exact rail route. There are some discrepancies in that.
2 I hope that can be worked out so we will know exactly
3 where that rail route would be.

4 One was on the question of the Cortez mine be
5 given its own railroad underpass, and I know you addressed
6 this a little bit to me, gave me a little bit of an
7 answer, but I feel it has been addressed inadequately
8 because it does not tell in the EIS about the land use and
9 ownership, and it does not address the existence of Placer
10 Dome, the mine right down here, which would be
11 tremendously affected if anyone looks at the map here. It
12 goes right through their operation, and they do go across
13 the whole valley. They do have an operating mine that is
14 the big mine where the big deposit is on this side, the
15 west side, and then there is Cortez on this side over
16 here.

17 Also because of that, there is a haul road
18 that is used every day, and we do not find in the EIS any
19 recognition whatsoever what would be done to help the mine
20 so they could continue their operations. So we find that
21 inaccurate as well.

22 Once again, on mining claims, will they be
23 divided and accessed, be restricted, and what type of
24 compensation? I could not find this in there, as well as
25 inadequate. It does not address the existence of such

1 claims with adjacent access rights.

2 Also I want to get into this also again on
3 the water. Water to our county and to our state is very
4 important to us. Water is life to us.

5 Back East -- and I have lived back East, and
6 I also lived near the Byron Power Plant in Illinois. I
7 have seen what industry and other things have done to our
8 rivers and our water in this country, and it is shameful,
9 and we are getting better, fortunately.

10 But I believe what is going on with the
11 nuclear power industry is absolutely wrong, and I think in
12 our hearts we all know it's wrong, and we should phase it
13 out. But anyway, back to this, the great grazing
14 allotments for our ranchers and their water rights and the
15 loss of their rangeland because of a rail route that would
16 go from here, proposed rail route going from here all the
17 way to Yucca Mountain would hurt a lot of our local
18 people. So we find this inadequate as well.

19 Well, I guess all I have to really say is
20 that, you know, as a citizen of Nevada, and I know that
21 our governor and our senator and over 75 percent of the
22 people of our state are opposed to this. I ask you in a
23 kind way, please retract and don't do this to us. Thank
24 you.

25 MR. LAWSON: Thank you, sir.

1 MR. SKIPPER: Thank you.

2 MR. LAWSON: Corbin Harney. And then Lois
3 Whitney. Miss Whitney is the last person I have on my
4 list at this point.

5
6 PUBLIC STATEMENT OF CORBIN HARNEY

7 MR. HARVEY: My name is Corbin Harney I'm a
8 Shoshone Indian from this world of ours we talk about.
9 Somehow the DOE, the Nuclear Energy Department, look to me
10 as a people, one of the people that don't care if we get
11 life at all. But they are saying beautiful things. They
12 are telling us it's not that dangerous. But at the same
13 time, they on the other hand, they say it's dangerous,
14 we're going to have to really take care of this.

15 Look what they are doing at the Nevada Test
16 Site for one. I'm from there. I have been there many
17 many years. They are dumping all this stuff, the nuclear
18 waste as they call it, low grade, don't harm you at all,
19 they are dumping it in open pits, open trenches.

20 What does the wind do to that? Does it leave
21 it there? It seems to me like it picks it up and it
22 brings it wherever we're at.

23 A lot of my people on this part of the
24 continent, the native people own the land here in this
25 part of the continent, that we all enjoy living here,

1 making our living on this part of the continent, enjoying
2 our life. At one time we survived on this land with all
3 the food that was produced by the nature itself.

4 I think most of you people know our berries,
5 for one. It's already disappeared because of the
6 radiation.

7 The food that we use as a native people for
8 thousands of years, the food that we really enjoyed, the
9 medicine that was put here before you people ever came
10 into this part of the continent, there was medicine of all
11 kinds for different kinds of sickness. That was put here
12 by the nature. And today those things are gone because on
13 account of the radiation.

14 The DOE, the Nuclear Energy Department, never
15 came to us and asked us questions about those things.
16 Because they get money, they get paid. Them guys that was
17 here this morning, they get somebody else to do their
18 thing to give us a good report that we believe in them.

19 I think their bosses right now, when I do
20 talk to them people in Washington, D.C., they all say that
21 there is somewhere the truth is going to have to come out.
22 This is something that we got to learn, and today most of
23 you people in here, you are going to have grandchildren.
24 What kind of water are they going to be drinking? What
25 kind of food are we going to be eating? And today the

1 wind carries those particles throughout the country,
2 throughout the world in other words.

3 In this part of the country my people survive
4 on pinenuts. It was a very important part of our life.
5 When the particle gets on the tree and the rain comes down
6 and washes it down to our ground. They never have
7 reported to us for many many years, what do they do with
8 this water, the nuclear rods they say they cool it off
9 with? Where do they dump it at? Do they take it to some
10 other planet, or what are they doing with it? They never
11 told you that. They never told us nothing about those
12 things.

13 And today, every living thing on this planet
14 of ours has suffered from cancer. Since 1953, most of my
15 people died from cancer. And today, there's a lot of them
16 out there suffering.

17 Cancer has taken over the country, not only
18 for us humans but all the living things out there. They
19 never report those to us. They never will. As long as
20 they get paid, they don't care. They don't care about
21 your life. They never have, they never will.

22 This is what they done to us from the
23 beginning, and today it's still you are in the same boat
24 that we were in a few, just about 500 years ago.

25 Then we talk about the radiation is going to

1 be with us for 250,000 years, the half life. And today,
2 let's think about Hanford for one. Just think about it.
3 In 60 years, those containers are leaking.

4 Then they tell us they are going to find
5 something that's really going to be safe, hundred percent
6 safe. I think each and every one of us know there's more
7 train wrecks today throughout the country. Somewhere an
8 accident is going to happen. Then what do we do?

9 Them guys up here is not going to save your
10 life. All they are going to say, we didn't know this was
11 going to happen.

12 I have been told by many of them people
13 there, if accident ever happens out there, we're going to
14 get the robots out here from back East, two of the robots.
15 They are going to handle it.

16 I think that's under no agreement, or I don't
17 know what you call it.

18 Let's all think about it. What are we going
19 to do if accident ever happens? Today throughout the
20 world the water is not pure, is not strong. The way we as
21 an Indian people look at those things, they got spirit
22 like we do.

23 I have been asked not too long ago, about
24 three years ago when I was invited to go to Kansas City,
25 the people, the grain raisers keep asking the question,

1 why is my water not doing what it's supposed to do here
2 10 years or 15 years ago? That is simple to know. And
3 today each and every one of us know that. The more water
4 you drink, you never get quenched with thirst because your
5 water is not strong.

6 And today we're killing our water, the spirit
7 in the water.

8 Everything on this mother earth is dying. We
9 all know that. We all see that.

10 But them guys are telling us the other way
11 around. It's not that dangerous. You can live with it.
12 Same with all the stuff that came here.

13 This is something that we have to think
14 about, all of us. Think about our young generation behind
15 us.

16 And today the trees are dying, the animal
17 life is disappearing. The ocean has began to be
18 contaminated with radiation.

19 Look at the radiation that's coming from
20 submarines, nuclear submarines. What do they do with
21 their rods when it gets old, gets weak? They dump it into
22 the ocean. What is the life in that ocean doing today?
23 Why are there so many on the shorelines, the creatures
24 that used to live in that water?

25 They are not telling us those things. But I

1 wish they would ask us questions. Invite the native
2 people, because you're living on this native land. They
3 are the ones you should go to to begin with. They can
4 give you a lot of pointers here.

5 What we're doing today throughout the world,
6 sending these missiles into the air, how much radiation is
7 it leaving behind? What are we trying to do, eliminate
8 some of the people, or what are we trying to do?

9 The Nuclear Energy Department employees are
10 not going to live for thousands of years. They are going
11 to die like we do. Some of us already are suffering,
12 already dying with cancer. But they are not telling the
13 truth.

14 Somehow we're going to have to start telling
15 the truth. We as a native people always say, went one out
16 in circle, it will come back to you. So that way we
17 already know those things.

18 Let's think about it, ladies and gentlemen.
19 If this continues, we are going to be the ones to suffer.
20 Yucca Mountain is not big enough tunnel to hold all the
21 waste they are talking about. Transporting it there from
22 throughout the world, that's where it is going to come
23 from, around the world, to Idaho, into Nevada. It's going
24 to be passed to your front yard, through your land.

25 We are the ones that are going to suffer out

1 of this deal because we have seen so many youngsters today
2 dying with cancer, even three year olds. Let's all unite
3 ourselves together and say no to this Nuclear Energy
4 Department.

5 I don't want it in my land at the Nevada Test
6 Site, or at Yucca Mountain. I don't want bad things to be
7 transferred throughout the country. If they want it,
8 leave the waste where it's at. No use spreading it over
9 the land more than what it is today. We already talk
10 about if it stops in one place so many hours, it is going
11 to affect you.

12 Let's not put it on the railroad or on the
13 highway or on the land. Let's leave it where it's at. If
14 those people who wanted it, they should live with it, not
15 shipping it around the country.

16 So let's think about our life. Let's think
17 about the younger generation. How are they going to
18 survive? All the living things on this planet today, like
19 the alfalfa for one, like I talk about the particles that
20 blow by the air on to that alfalfa, and animals that eat
21 that grass, they get affected by it. They are not telling
22 us that. They never will.

23 So this is something that we all are going to
24 have to think about, how important our life is for the
25 younger generation. Remember, they, the older people,

1 they fought for our life. They suffered for our life, and
2 today, we should suffer for the younger generations, how
3 their life is going to be.

4 Because we're running out of water, we're
5 running out of air, we're running out of this mother earth
6 of ours. We should be taking care of it instead of trying
7 to destroy it.

8 Like I talk about the water, where does it go
9 when they dump that? What are they saying about the water
10 that they using to cool off the nuclear rods? Where are
11 they dumping it?

12 Today it's coming down on to us and all the
13 water throughout the world. So I wish they would address
14 those things and tell us the truth, not those lullabies
15 that they say they call them. Thank you.

16 MR. LAWSON: Thank you, sir.

17 MR. SKIPPER: Thank you.

18 MR. LAWSON: Lois Whitney.

19
20 **PUBLIC STATEMENT OF LOIS WHITNEY**

21 MS. WHITNEY: Again, thank you for coming to
22 Shoshone territory.

23 My name is Lois Whitney.. I'm a Western
24 Shoshone descendant from Beowawe, and I also have
25 residence in Elko, Nevada.

1 And my message is of course that radiation in
2 Western Shoshone territory and worldwide is not wanted.
3 Did you hear what I said? Radiation in Western Shoshone
4 territory and worldwide is not wanted, has no purpose.

5 I speak for those beings without a voice, but
6 they have been impacted through colonization of our
7 territory and now radiation. True, radiation is a
8 natural -- is in many natural energy sources and over time
9 has resulted in natural catastrophes and has for millions
10 of years changed all forms of life in many many ways. But
11 man-engineered catastrophes has now come full circle.

12 In Western Shoshone territory, and I speak of
13 Western Shoshone territory because this is where it
14 affected us, and as I stated earlier, in the 40's, with
15 the testing of the bombs, for the nuclear energy of war,
16 it impacted Western Shoshone people because this is where
17 it started. Test it on the Indians, the Shoshone people.

18 But let's not forget to mention the thousands
19 of people of Nagasaki and Hiroshima who were affected by
20 death and mutation. It was a form of genocide.

21 I think when you know the truth, some famous
22 person said, it sets you free. I feel very free today in
23 expressing to you people the danger of what nuclear
24 engineering has done for our people, you and me.

25 We're significant, you and me. We're very

1 significant. We are the ones that promote future
2 generations. Corbin spoke to it. Let's not speak about
3 our generations as, oh, maybe. Why are we having children
4 to populate this earth if it's going to be so sick? I
5 don't understand that. We don't have a chance.

6 Now the proposed transportation and storage
7 through U.S. territory comes in full circle, at least to
8 us, to complete the whole cycle of genocide. Think about
9 it. Man engineered catastrophes. This is what this is
10 about.

11 Forming cancer. Cancer doesn't discriminate,
12 doesn't discriminate against race or economics. It's
13 going to affect all of us. There's no assurance of health
14 and safety of the long term or our future. And there's no
15 assurances that there will be adequate medical treatment
16 or even compensation.

17 Somebody spoke about compensation for losses
18 of mining claims and whatnot. I'm talking about life.
19 Life is very important.

20 It's insufficient, there is insufficient
21 dollars that have been designated for native people in the
22 event it affects us. Well, we have been affected since
23 colonization. That's a long time. But we have seen a lot
24 and we're willing to work with the people in the United
25 States and worldwide.

1 Corbin has traveled all over the world. He's
2 seen those things. We as native people have taken it upon
3 ourselves as grass roots organizations to investigate the
4 effects of nuclear and other issues against, negative
5 issues against our people.

6 Nevada is not a dumping place, and as Carrie
7 said, and I think this is very important, Nevada has its
8 own rain forest. But it's been destroyed, and it
9 constantly is being destroyed by a number of economical
10 advances, the mining, the watering, of course mining, the
11 military. These things we need to think about as a
12 people. We're being selfish because we're thinking of the
13 immediate. We're not thinking of the long term here.

14 I would like to see and be able to count
15 those generations after me, just like I was able to count
16 the generations before me, because we had purpose. We
17 still have purpose. Our purpose is to speak out and stop
18 genocide against all people.

19 Nuclear man-engineered catastrophes needs to
20 stop, and it's all of our responsibility, doesn't matter
21 where we come from, it's all of our responsibility because
22 we want to procreate. We want life. And there is no life
23 with radiation.

24 Go to the test site. Go to these other
25 countries that have experienced the effects of nuclear

1 damage, and for those poor people of Hiroshima and
2 Nagasaki, I'm ashamed for what we have done to them. It
3 came from this country. It started in my territory, and
4 it's come full circle, back to the Shoshone people, store
5 it in their land.

6 This is our territory, yours and mine. Let's
7 take care of it. Thank you.

8 MR. LAWSON: Thank you.

9 MR. SKIPPER: Thank you.

10 MR. LAWSON: And I thank you all. Is there
11 anyone else who would like to speak before we go into a
12 recess? We will be here till one o'clock if anybody does
13 change their mind. Yes, ma'am. If you would like to
14 speak.

15 MS. GRUENING: Yes.

16 MR. LAWSON: While you are doing that,
17 Mr. Carruthers, you mentioned, you made reference to this
18 map over here, and you had a smaller version of it. I
19 didn't know if you wanted to include that as an exhibit to
20 your record.

21 MR. CARRUTHERS: Yes, I could give you that
22 information.

23 MR. LAWSON: Just give it to me sometime this
24 afternoon, and I'll be sure it gets included.

25 Ma'am, give us your name, please.

PUBLIC STATEMENT OF JAMIE GRUENING

MS. GRUENING: My name is Jamie Gruening,
J-a-m-i-e, G-r-u-e-n-i-n-g.

I'm a resident of Crescent Valley. And I
expect to have further comments and questions this
evening. For now I have a couple of items.

One question. Does DOE have clear
unchallenged title to the land of the Yucca Mountain
repository site? I mean clear unchallenged title that
doesn't conflict with Western Shoshone sovereignty as per
the Ruby Valley Treaty of 1863.

And I have a comment. Rather different
issue. The no action alternatives. Neither of the no
action alternatives that are proposed are reasonable.
Therefore, they cannot be used for any reasonable
comparisons to the environmental impacts of the proposed
action of developing Yucca Mountain and transporting the
nation's nuclear waste to that site.

And one further comment. Earlier today I
believe it was Mr. Morton who described low level
radiation and the exposure of low level radiation as an
energy rather than particles or mist or moisture or
spillage, simply energy. This line of thinking suggests
or seemed to suggest that therefore the consequences can

1 only be minor because it is simply a matter of energy. I
2 wonder if the energy of low level radiation exposure can
3 have any significant impact.

4 We speak in words. Our spoken words, they
5 are energy. They don't have particles, they don't have
6 mist, moisture. They don't spill over. But our spoken
7 words are only energy. Do they have significant impact?
8 Thank you.

9 MR. LAWSON: Thank you.

10 MR. SKIPPER: Thank you.

11 MR. LAWSON: Is there anyone else who would
12 like to speak at this time?

13 Okay. As I announced, we will be here until
14 one. If anybody would like to speak up till that time,
15 just come up and tap me on the shoulder and say I'd like
16 to speak, and we'll go out of recess and come back into
17 regular session. You are certainly welcome to stick
18 around for that time and ask questions or speak to the
19 officials who are here.

20 If you choose not to say, I want to thank you
21 all for your time, for your good questions, and especially
22 for your comments. Obviously a lot of time has gone into
23 thinking about this issue, and I know that it is near and
24 dear to many of your hearts. I appreciate you taking the
25 time to give us your testimony.

1 Also remind you that the process continues
2 this evening. The session will start at six o'clock with
3 a presentation and an opportunity again for questions and
4 answers, with comment period beginning at seven, and that
5 session goes until ten this evening. So you are certainly
6 all welcome to come back. You can speak again if you like
7 or have other people you would like to have speak.

8 If there is no one else who would like to
9 speak at this time, we'll go into recess, and if nobody
10 has spoken, we will close this session at one o'clock.
11 Thank you very much.

12 (Recess taken at 12:31 p.m.)
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1 CRESCENT VALLEY, NEVADA, THURSDAY, DECEMBER 9, 1999

2 1:00 P.M.

3 -oOo-

4
5 MR. LAWSON: My name is Barry Lawson. I'm
6 the neutral moderator for the meeting. We have had a
7 session, question and answer period this morning, and we
8 have had a comment period that started at about 11:30 and
9 runs until just about now.

10 So you are here just under the wire, and
11 we're glad that you have made it, and would ask you if
12 you'd like, we have a court reporter here, if you'd like
13 to come over here and address him so he can see what you
14 are saying, that would be great. And if you would just
15 give us your name and then begin your comment, that would
16 be great.

17 PUBLIC STATEMENT OF HEIDI BLACKEYE

18
19 MS. BLACKEYE: Okay. My name is Heidi
20 Blackeye, and I'm Western Shoshone. I used to work for
21 Citizen Alert Native American program, and I was their
22 community organizer, and I worked on nuclear issues.

23 We fought the dump back in the '90s.
24 Actually we have been fighting it since it started. But
25 we have gotten scientific information that the casks are

1 not movable if they are safe. If they are going to be
2 safe, then you can't really move them, because it would be
3 too heavy to move them. And we have had scientists that
4 have worked for the Department of Energy. One of them was
5 Leo -- I can't pronounce his last name. But I think he's
6 Jewish.

7 Anyway, just to make a long story short,
8 we're against the dump. I'm as an individual now, I don't
9 work for Citizen Alert Native American program any more.
10 I was going back to school and took a sabbatical off from
11 working for them. But I have rallied for support in Elko
12 and passed out fliers of information to let people know to
13 come here.

14 There's a lot of people that don't know
15 what's going on. They don't know what to do. They don't
16 have enough information to say, okay, it's okay for you to
17 transport this nuclear waste through Elko, through
18 Duckwater, through one of the routes. That's one of the
19 routes on Interstate 50. And the reason why that one is
20 chosen, that probably will be the political conflict, is
21 that there's small populations that live in those areas,
22 and it's easier to rely on their ignorance and to win that
23 support of people that don't know that it's good for them
24 or what's not good for them.

25 So anyway, I'm against the dump at Yucca

1 Mountain as well. I know a lot about that. I'm a
2 professional researcher, and I have studied both sides of
3 the information.

4 And what I do know is that the waste is safe
5 where it is right now. They have the space and the
6 technology to keep it where it is. And until they do find
7 a safer way to carry it somewhere and to store it, and so
8 I oppose all the radioactive waste transportation routes.
9 We have a map of that, and I'm also against Yucca
10 Mountain.

11 There's 37 earthquake faults that it lies on.
12 I knew that. And one of the Department -- what is his
13 name? -- Arjun Makeajani, he worked for the Department of
14 Energy in the '70s, and he's a physicist, and now he runs
15 his own group in Washington, D.C., and also works with us
16 and has given us scientific data that lets us know that
17 because of the earthquake faults, each year the earthquake
18 faults, there is a part of the earth that keeps separating
19 and moving outward, and that was information that was
20 shoved under the carpet by the Department of Energy back
21 in 1989, around there, and we continue to work with this
22 man, and he has written a book about the nuclear waste as
23 well; and because of the politics we have lost, and
24 Department of Energy moves in where it's not even their
25 land.

1 Nevada is not even a state legally because of
2 the treaty of 1863. Now Nevada became a state, they said
3 Nevada became a state when the mining law. So they used
4 the mining law against that as 1872. They keep that
5 mining law so you can go in and make a mining claim, and
6 then you can go in and dig your gold and do whatever else
7 you want to do with a mining claim for a dollar 25. I
8 think it's a little more than that right now.

9 But it's still the treaty needs to be
10 honored. This is not your land to do this. It's the
11 Western Shoshone's land. Whether you like it or not. And
12 it's wrong for what you're doing because you have the
13 information and the technology to keep all citizens safe
14 and not to subject 10,000 just to save 20,000. Because
15 you did that back in the 50's when you decided to affect
16 all the Indian reservations, when the wind was blowing a
17 certain way, and the sparsely populated areas, which were
18 the Indian reservations, and the Indian reservations now,
19 there's people with leukemia, and leukemia has been
20 diagnosed to be caused by the nuclear fallout.

21 Anyway, I think I have said enough and made
22 my point clear. There is a lot of information backing us
23 up. Even though there is not a lot people of here, it's
24 because of their ignorance and because they are afraid,
25 and when you don't know about something, you'd rather

1 think it best to just leave it alone and not say nothing
2 about it.

3 But I'm here speaking for the people that
4 don't know anything about it. If they knew what I know
5 now, they'd be frightened, and they would have spent all
6 their time and money just to get here. Okay.

7 MR. LAWSON: Thank you very much.

8 MR. SKIPPER: Thank you.

9 MR. LAWSON: Please. And as you do, I
10 neglected to introduce Kenneth Skipper, who is from DOE,
11 who is listening to your comments. Plus there are other
12 people from the Department as well.

13 PUBLIC STATEMENT OF JOHN MCGRAW
14

15 MR. MCGRAW: Great. Thank you for holding
16 these hearings, in a way fulfilling the lawful obligation
17 to hold public hearings, and it is our obligation and
18 right to express our opinions and our informed comments on
19 what is going on that affects all of us. I want to thank
20 you for having the meetings and all the people and those
21 that are gathered and make the time. Because like the
22 previous speaker, there are those who are either ignorant
23 or don't know what to do, and in a way, I'd like to say
24 that, address that in my final comments.

25 MR. LAWSON: Could I also ask you to give

1 your name?

2 MR. McGRAW: My name is John McGraw, and
3 actually, I became more aware of the issues in the '70s,
4 and it seemed back then we had some movement towards
5 sanity with test ban treaties and some sort of a
6 scientific accumulation of the horrors of radioactivity.
7 But since then it's been difficult to stop this huge
8 momentum of fear and cold war and these needs for energy
9 that we just couldn't really slow it down enough. And it
10 requires a constant opposition to, well, what we know as
11 cancer causing and detrimental to life itself, especially
12 since we know there are alternatives.

13 It's been characterized in a gentle way, some
14 sort of genie that's been let out of the bottle. I must
15 protest this is much too kind of a characterization. It
16 is more of a beast. And the beast is loose, and it's
17 trying to find a hiding place.

18 Now, unfortunately, nuclear waste has no way
19 of hiding. Ask any of the survivors of the only time we
20 have dropped the bomb or those who live near nuclear waste
21 disposals or those who will be in the vicinity of these
22 casks that do leak radiation.

23 There was a very profound protest last year
24 around some critical tests, and it not only is a
25 continuation of production of nuclear waste, but our best

1 scientific minds are continuing in the same wrong
2 direction of prolonging and proliferating not only bomb
3 making but nuclear waste from energy production.

4 Now, this beast is a -- well, it's larger
5 than any of us. It's a horrible thing. And we must
6 tether it and draw it in and perhaps direct our resources,
7 our best minds, from continuing it and proliferating it,
8 into restricting it, and inevitably we must eliminate it
9 and just completely stop it.

10 Now, I don't know how we're going to do this.
11 But that's why we're gathered, all of us. We're all
12 actively trying to do something for the future because the
13 past has definitely shown us that what we have got in the
14 present is not something we want. Just to give some voice
15 to what is glazed over or glossied up or shown to be a
16 possibility, we must take into consideration all the
17 people of this nation and of this world and all our
18 relations, our personal, our families, our communities,
19 our world. That's what we're striving for.

20 I'd like to close with a letter, read part of
21 it that basically speaks to just some questions. And that
22 is: Why do these, you know, we do these things that we
23 do, all of us? The people's government as well as the
24 people and all around the world. Why do antinuclear
25 activists do what they do? Pushing for peace in the

1 world. Encouraging education with depth, increasing
2 understanding among people.

3 Why? Why oppose weapons testing in
4 preparations for mass war? Respecting and honoring
5 worldwide indigenous cultures, inalienable human rights.
6 Why are these worth supporting? Who is caring about the
7 daily tons of radioactive waste being produced? Even if
8 Nevada can stop the waste shipments at its borders, where
9 then would they go?

10 Why do we as a society continue producing an
11 uncontrollable, life threatening, cancer causing substance?
12 Aren't there other alternatives for life enhancing energy
13 production, for life precious utilization of these given
14 resources?

15 Nuclear issues must not be hidden from public
16 view and understanding. People can do something. Direct
17 actions including letters and calls to representatives in
18 government and community groups and nonviolent
19 demonstrations.

20 The questions remain, if not us, each and
21 all, then who? If not now, when? If not here, where?

22 Thank you again.

23 MR. LAWSON: Thank you.

24 MR. SKIPPER: Thank you.

25 MR. LAWSON: And, Mr. McGraw, would you like

1 to submit that as an exhibit?

2 MR. McGRAW: I would be glad to.

3 MR. LAWSON: Very good.

4 MR. McGRAW: It was just printed last year.
5 The date is on there as well.

6 MR. LAWSON: This one letter right here?

7 MR. McGRAW: The nuclear questions.

8 MR. LAWSON: Thank you very much. Is there
9 anyone else who would like to speak at this time?

10 Okay. Since we're now a little past one,
11 I'll say that we'll recess this session. As I mentioned
12 before, we thank everyone who has come today, and
13 especially those people who have made comments or asked
14 questions.

15 We gather again at six o'clock this evening,
16 and you are all welcome to return. Six o'clock is the
17 presentation and 7:00 o'clock for the formal comment
18 period. Thanks again to the DOE officials, and our court
19 reporter.

20 And this session is now adjourned. Thank
21 you.

22 (Adjourned at 1:16 p.m.)
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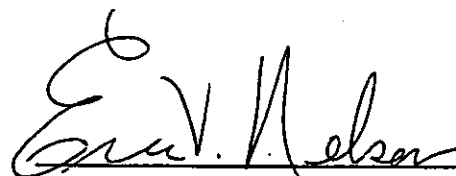
STATE OF NEVADA,)
) ss.
COUNTY OF WASHOE.)

I, ERIC V. NELSON, Certified Court Reporter and a notary public in and for the County of Washoe, State of Nevada, do hereby certify:

That I was present at the hearing of the Department of Energy on the Draft Environmental Impact Statement on Thursday, December 9, 1999, and thereafter took stenotype notes of the proceedings, and thereafter transcribed the same into typewriting as herein appears;

That the foregoing transcript is a full, true and correct transcription of my stenotype notes of said proceedings.

Dated at Reno, Nevada, this 14th day of December, 1999.



ERIC V. NELSON, CCR #57

BEFORE THE DEPARTMENT OF ENERGY

Hearing on the
Draft Environmental Impact Statement
for a Proposed Repository
at Yucca Mountain, Nevada

Crescent Valley Town Hall
Crescent Valley, Nevada

Thursday, December 9, 1999
7:30 p.m.

Reported by:

ERIC V. NELSON, CCR #57

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1 CRESCENT VALLEY, NEVADA, THURSDAY, DECEMBER 9, 1999

2 7:30 P.M.

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4
5 MR. LAWSON: I have to read a few things into
6 the record to make it official like. It will only take a
7 minute or so, and then we'll get started.

8 My name is Barry Lawson, and I am pleased to
9 serve as facilitator for this public meeting in Crescent
10 Valley, Nevada, on the Draft Environmental Impact
11 Statement for a geologic repository for the disposal of
12 spent nuclear fuel and high level radioactive waste at
13 Yucca Mountain.

14 I am a neutral facilitator who is neither an
15 employee of nor an advocate for the Department of Energy,
16 the State of Nevada, or any other interested party.

17 It is my intent to insure that the public has
18 an adequate opportunity to provide comments to the
19 Department of Energy either through oral or written
20 presentation. I ask for your cooperation in achieving
21 this goal.

22 The court reporter for this session is Eric
23 Nelson, who is seated here in the front of the room. I
24 have asked him to notify me at any time if he needs to
25 have any of your comments clarified. It will be important

1 that only one person speak at a time, and it is my
2 responsibility to make sure that everyone who wishes to
3 make public comments has an opportunity to do so.

4 The Department of Energy will not be
5 responding to questions raised at this time as the purpose
6 of the session is to receive your formal comments which
7 will be addressed in the Final Environmental Impact
8 Statement.

9 I'll call each person in the order that's
10 been given to me by the registration staff. As I call
11 each person, I will announce the following two speakers so
12 that you can be more adequately prepared.

13 It is not my intent to limit anyone's
14 comments, and as you can see, we have a number of people
15 here who would like to speak. Therefore, initially each
16 person will have five minutes for his or her presentation.
17 If you have additional oral comments, I invite you to
18 return after everyone else has had his or her initial five
19 minutes. I will tell you when you have approximately 30
20 seconds remaining on those five minutes and would ask you
21 to conclude your initial comments as quickly and as
22 gracefully as possible.

23 If you do have written copies of your
24 comments, or you have additional comments beyond those
25 that you are speaking on, please drop them in the comment

1 box, which I believe is in the back of the room. At least
2 it was earlier today. Is that right? Right over in that
3 corner. Thank you.

4 Now if you have supplemental material that
5 you wish to have included in the official record, please
6 give them to me so that I can have them recorded as
7 exhibits to this meeting.

8 I must insist on there being quiet in this
9 room during the formal comment period so that the court
10 reporter can make an accurate record of all comments and
11 the officials in the audience can also understand your
12 comments. Please hold any conversations that you find
13 necessary not only in the outer hall but perhaps outside
14 or down the road -- not down the road -- or down the road,
15 or outside, so as to not interfere with anybody being able
16 to hear and understand what is being said.

17 Ken Skipper will be the gentleman from DOE
18 who will be officially listening to your comments, but as
19 you can tell, there are several people from the Department
20 of Energy that are scattered around the room that will
21 also be taking notes during your presentation.

22 Finally, it's in my discretion to call
23 recesses as appropriate. I do that primarily to give the
24 court reporter a break. At a certain time in the meeting
25 and hopefully -- I think we have 18 or 19 people who have

1 signed up. Somewhere about half way through, we'll call a
2 10-minute break and let everybody stretch a little bit.

3 I thank you for your cooperation in making
4 this meeting a respectful one. Are there any questions
5 before we begin?

6 Okay. Now when I call you to speak, please
7 come to this area right over here, this table, tell the
8 court reporter your name and then begin. Please speak
9 toward the court reporter as it makes it much easier for
10 him to be able to decipher just what you are saying and
11 make an accurate record of it. And final reminder, anyone
12 who would like to speak who has not registered, please see
13 Ethan at the door so we can make sure that you are added
14 to the list.

15 Okay. We're ready to go. And the first
16 person that I have on my list to speak is Bob Halstead,
17 and he would be followed by Pete, and help me, Pete,
18 Goicoechea. Not bad?

19 MR. GOICOECHEA: Not bad.

20 MR. LAWSON: And then Ron Rankin.
21 Mr. Halstead.

22 **PUBLIC STATEMENT OF BOB HALSTEAD**

23
24 MR. HALSTEAD: I'm Bob Halstead,
25 Transportation Adviser for the State of Nevada Agency for

1 Nuclear Projects. Copies of my statements are at the back
2 of the room, and I have asked the court reporter to enter
3 the first two paragraphs of my statement in the record as
4 if written because I think we're going to need all the
5 time we have tonight to take citizen comments.

6 (The following two paragraphs were copied
7 into the record as follows:)

8 "Transportation of spent nuclear fuel and
9 high-level radioactive waste is inherently risky
10 business. At previous hearings, our preliminary
11 transportation comments have addressed specific
12 deficiencies in DOE's Draft Environmental Impact
13 Statement regarding the radiological hazards of
14 the SNF and HLW that DOE proposes to ship to
15 Yucca Mountain, the shipment modes and routes,
16 the risks associated with legal weight truck
17 transport, the vulnerability of shipments to
18 human-initiated events including terrorism and
19 sabotage, DOE's failure to identify a preferred
20 rail access corridor to Yucca Mountain, and
21 DOE's failure to demonstrate the feasibility
22 of heavy haul truck transportation from an
23 intermodal transfer station to the proposed
24 repository. These statements are available
25 on the web at www.state.nv.us/nucwaste. At

1 upcoming hearings we will address radiological
2 health effects of routine transportation,
3 radiological consequences of severe accidents,
4 and social and economic impacts of public
5 perception of transportation risks.

6 "Today our focus is on the impacts of rail
7 access construction, and the risks and impacts of
8 rail transportation of SNF and HLW in Nevada.
9 The Yucca Mountain site has no access to the
10 national rail system. The nearest railroad is in
11 Las Vegas, almost one hundred miles away. The
12 DEIS identifies and describes four potential
13 corridors, one-quarter mile in width, which DOE
14 could use to construct a rail line connecting
15 Yucca Mountain to the Union Pacific mainline
16 in southern Nevada: Valley Modified (98 miles),
17 Jean (112 miles), Caliente-Chalk Mountain (214
18 miles), and Caliente (319 miles). (The DEIS
19 designates the Caliente-Chalk Mountain corridor
20 as a 'non-preferred alternative.') A fifth
21 potential corridor, Carlin (323 miles) would
22 connect Yucca Mountain with the Union Pacific
23 mainline in north central Nevada."

24 The Draft EIS underestimates the difficulty
25 of constructing a new rail line to Yucca Mountain. The

1 Carlin, Caliente, or Caliente-Chalk Mountain routes would
2 constitute the longest new rail construction project in
3 the United States since the World War I era. Construction
4 of the Jean or Valley Modified routes would be the second
5 longest U.S. rail construction in the past 70 years.

6 The DOE's assertion that rail line
7 construction along any of the routes would take an
8 estimated 2.5 years is unjustifiably optimistic
9 considering the difficult terrain, environmental
10 sensitivity, and high probability that previously
11 unidentified Native American religions and cultural
12 resources will be discovered only after construction
13 activities begin. The construction period could be five
14 to seven years for the longer routes.

15 The DEIS further underestimates the
16 difficulty of rail access preconstruction activities,
17 especially environmental reviews and approvals,
18 acquisition of rights-of-way across both public and
19 private lands, and unresolved Native American rights
20 issues regarding ceded treaty lands. Legal challenges
21 could easily delay construction for five to ten years.

22 The maximum cost estimate of \$800 million for
23 the Nevada rail transportation portion based on the
24 estimate for the Caliente route is completely unrealistic
25 unless DOE plans to sacrifice safety by constructing a

1 rail line which barely meets the minimum Federal Railroad
2 Administration requirements. Nevada is particularly
3 concerned that DOE contractor studies have recommended
4 operating this line without a state of the art
5 computerized train control system.

6 DOE's cost saving measures include shipping
7 rail casks loaded with highly radioactive spent fuel in
8 general trains, which will require switching cars at the
9 connection point. DOE's proposal to routinely park loaded
10 rail cask cars on a side track for up to 14 -- for up to
11 48 hours is unprecedented and will result in a separate
12 legal challenge.

13 The DEIS provides insufficient information
14 about rail access spur system specifications,
15 construction, and operations to allow the complete
16 assessment of impacts and risks required under the
17 National Environmental Policy Act, NEPA. The DEIS
18 provides insufficient information on cut and fill
19 requirements; ballast, rail weight, and tie materials;
20 platform, ditch and bench dimensions; grade crossing
21 separations (DOE contractors have recommended rail over
22 road when crossing highways) crossing signals and road
23 crossings; administration and maintenance facilities,
24 including remote water supplies and sanitation; seismic
25 and flood hazard standards; and train control signal

1 systems. The DEIS should have assumed that fencing would
2 be required for the entire length of the rail spur and
3 assessed the environmental and socioeconomic impacts of
4 fencing.

5 The DEIS provides incomplete and
6 contradictory information on rail operating assumptions,
7 particularly regarding maximum operating speeds, crew
8 change and waystation requirements, and potential shared
9 use of the rail line. In particular, the DEIS fails to
10 address the safety and environmental implications of
11 potential shared use of the rail line for shipments of
12 commercial explosives, military weapons and munitions,
13 petroleum products, and other hazardous materials.

14 These DEIS deficiencies combined with DOE's
15 failure to designate a preferred rail route result in a
16 legally insufficient assessment of rail transportation
17 risks and impacts.

18 MR. LAWSON: Thank you very much.

19 MR. SKIPPER: Thank you.

20 MR. LAWSON: I'm going to try it again. Pete
21 Goicoechea, to be followed by Ron Rankin and Jamie
22 Gruening.

23 **PUBLIC STATEMENT OF PETE GOICOECHEA**
24

25 MR. GOICOECHEA: Pete Goicoechea, chairman of

1 the Board of County Commissioners, Eureka, Nevada. I
2 don't read quite as fast as Bob, so this might be a little
3 slower.

4 I'm here on behalf of the Board of County
5 Commissioners to make some preliminary comments on the
6 Draft EIS. First of all, we'd like to thank you, the DOE,
7 for bringing this hearing to Crescent Valley. We
8 appreciate your willingness to bring it to the vicinity of
9 the impacts in our county, and we hope you continue to do
10 that across the state.

11 Most of my comments will be somewhat basic,
12 mostly related to transportation issues, and we will
13 submit written comments by February 9th of 2000.

14 Eureka County is one of the 10 affected units
15 of local government under Section 116 of the Nuclear Waste
16 Policy Act as amended. While the Eureka County Commission
17 hasn't taken a formal position on the Yucca Mountain
18 project, we are still very concerned about the impacts of
19 a rail line through our county will cause. We're
20 especially concerned that this EIS, the documents that is
21 supposed to identify these impacts, truly doesn't.

22 The EIS makes clear that the DOE intends to
23 make a decision on the mode and the routes for
24 transportation based only on the information in the EIS.
25 Therefore, we believe that the EIS ought to have adequate

1 information for all routes so that an informed decision
2 could be made. The very basics are lacking in this Draft
3 EIS.

4 The EIS states that the DOE intends to make
5 the decision on which mode, whether it will be truck,
6 rail, or heavy haul, and the route based on this
7 information. Based on the limited information presented
8 in this document, such a decision could not, would not and
9 could not be an informed one because there is so little
10 information about the routes, the communities they travel
11 through, or even the DOE's concept of operating this rail
12 line.

13 What's missing in the EIS? Almost everything
14 practical that we need to know about the proposed rail
15 line. Who owns it? Who will operate it? Who will own
16 the track? Who will make the repairs to it?

17 Will it be fenced? Who will maintain the
18 fencing? We already know what happens up the country
19 here. It's not very well maintained.

20 How many grade crossings are contemplated?
21 Will there be underpasses, overpasses? How about ranches?
22 We're going to bisect a tremendous number of allotments.
23 How are they going to cross the railroad?

24 And will there be an access road? And again,
25 thanks to Joe, I see it will be and incorporated in the

1 quarter mile right of way.

2 59 percent of all the assessed parcels in
3 Eureka County are within this 10 mile proposed route. The
4 proposed route is within five miles of the second largest
5 population center in Eureka County. It might be just
6 Crescent Valley, but it is the second largest in Eureka
7 County, and we're proud of it.

8 The EIS makes little mention of the impacts
9 on these people. It does not adequately address the
10 impacts of the building and the operating of a rail line
11 so near private property. And that does not address the
12 possible stigma effects on property values.

13 Flood plain issues. We're very concerned
14 about the flood plain. We live here. The flood plain
15 information is not complete and does not acknowledge the
16 severe flooding that we have in this vicinity and also
17 along your proposed rail route. The assurances on 6-47
18 that the operation of the branch line would be stopped
19 during flood conditions and a flooding of the track and
20 would not resume until the DOE has made necessary repairs.
21 What are we going to do with that train load of nuclear
22 waste? Park it? How long and will the flash flood be
23 detected in time to stop a shipment if it was in route?

24 We could very well have it down here at John
25 Filippini's at Carico Lake.

1 The EIS does not have adequate information
2 about the impacts on grazing. The EIS states that fencing
3 decision rests with the Bureau of Land Management and US
4 Fish and Wildlife. The information on fencing is not
5 definitive and excludes local government, the local
6 community, and most of all, those livestock permittees
7 that will be impacted. They need input.

8 Emergency management and response. The Draft
9 EIS is inadequate in its analysis of local government
10 demands related to public and health and safety. The
11 county will be submitting detailed comments in this area
12 as well, and I understand that's been the policy all along
13 that we're going to wait until we're five years from
14 shipment before we're going to start equipping and
15 training these people. That is completely inadequate.

16 There does not appear to be an analysis or
17 discussion for the potential activities and cost needed
18 during all the phases of emergency management and the
19 response including preparedness response and recovery
20 times.

21 The EIS is also insufficient because it does
22 not consider the possibility of roads other than
23 interstates when we're talking highway mode, truck mode of
24 transportation to Yucca Mountain. The study done by the
25 Nevada Department of Transportation several years ago

1 indicated that likely routes could be the A and B routes,
2 both of which run south from Wendover to Ely on the way to
3 Yucca Mountain. If either one of these were ultimately
4 designated into highway transportation, Eureka County
5 could be the host for an alternate routing, either I-80 or
6 Highway 50 across the southern part of the county.

7 The EIS does not address alternate routing in
8 the event of an accident, construction or weather, and it
9 should.

10 We see the need for baseline health data. In
11 November of 1995, Eureka County submitted scoping comments
12 to the Department of Energy suggesting issues that should
13 be covered in the EIS. One of our themes was the need for
14 baseline health data, along with the method of
15 compensation which would insure that the victims are
16 compensated in a timely manner for their exposure. This
17 was not adequately addressed in the EIS, and again, this
18 was a request we had four years ago.

19 The Humboldt River. The EIS provides very
20 little analysis of the impacts of a release -- for the
21 release of radioactivity into the Humboldt River, which is
22 crossed many times by the existing rail, and also by the
23 interstate if we are talking truck transport. The EIS
24 does not analyze the impacts of nuclear waste
25 transportation over decades on the existing rail and

1 highway infrastructure within Nevada, and we all know what
2 I-80 looks like and the construction we go through there.

3 Military air space impacts. Also absent from
4 the EIS was the adequate analysis of the cumulative
5 impacts and the potential conflicts between the military
6 air space practice areas, the ranges to the south, and the
7 rail route. And we just went through that battle with
8 Fallon NAS.

9 In conclusion, Eureka County believes that
10 the DOE's environmental impact statement is inadequate and
11 incomplete. We believe that the information in the
12 current document is not adequate and should not be used by
13 itself as a decision or a tool for the selection of a mode
14 or route for transportation. The lack of mitigation in
15 the document indicates that DOE does not truly understand
16 the magnitude of the impacts in this area with this major
17 project. The cumulative impact analysis lacks the depth
18 we would like from such a large government project. This
19 is going to span generations.

20 We expect that the DOE will revise this Draft
21 EIS significantly and address the deficiency and to
22 provide a level of detail needed for us to make an
23 informed decision.

24 As a County Commissioner, we're charged with
25 protection of our citizens, their health, safety and

1 welfare. Until we have a basis to make a logical decision
2 on these transportation issues and the impacts, I feel you
3 have a very appealable document. Thank you.

4 MR. LAWSON: Thank you.

5 MR. SKIPPER: Thank you for your comments.

6 MR. LAWSON: I appreciate your running
7 through that as quickly as you did.

8 MR. GOICOECHEA: I was a little long.

9 MR. LAWSON: You were a little long, but
10 that's okay. The people representing government units, I
11 bend a little bit there because I know that you have put a
12 lot of time into it and you have a lot of things that you
13 want to say. Thank you.

14 Our next speaker is Ron Rankin, and he will
15 be followed by Jamie Gruening and Heidi Blackeye.

16
17 **PUBLIC STATEMENT OF RON RANKIN**

18 MR. RANKIN: Good evening. My name is Ronald
19 Rankin, Chairman of the Eureka County Planning Commission.

20 Chairman Goicoechea hit most of the
21 highlights. I will hit on points that the Planning
22 Commission has a concern here.

23 Over the years Eureka County has granted or
24 approved numerous parcel maps through this particular rail
25 corridor, some of the most heavily parceled areas in the

1 county. Almost virtually all these parcels are sold to
2 either people that are living on them or people that plan
3 to retire here. This thing, should this Beowawe to Yucca
4 Mountain route be selected, it would devastate these
5 people.

6 Also with this rail line crossing through the
7 valley, the numerous access roads that are here now,
8 obviously, it wouldn't be financially able to -- you
9 wouldn't be able to financially build all the crossings,
10 nor would they be safe to have that many crossings. So
11 many of these lands would be locked out, unavailable for
12 access, it would be considered to be almost a takings.

13 Also with the stigma of this rail line going
14 through here hauling what it's hauling, the county has
15 expended millions of dollars for infrastructure in the
16 Crescent Valley area. If the people that are living here
17 now or the people that speculate to live here felt the
18 stigma, they may move out and leave the county holding all
19 these millions of dollars of infrastructure with nobody to
20 use them.

21 And another thing with this being the second
22 populace area of the county, since it is such a rural and
23 isolated area, the response time for an emergency team to
24 come in, should there be an accident, a great deal -- a
25 fire department wants to be there in just a few minutes.

1 This stuff is much more dangerous than a fire. And where
2 are they going to come from?

3 And that pretty well closes out the Planning
4 Commission's views here. Our Chairman Goicoechea covered
5 most of the other hot topics. Thank you.

6 MR. LAWSON: Thank you, Mr. Rankin.

7 MR. SKIPPER: Thank you, Ronald.

8 MR. LAWSON: Our next speaker is Jamie
9 Gruening, and following her is Heidi Blackeye and then
10 John McGraw.

11 FROM THE FLOOR: Neither of them are here.

12 MR. LAWSON: Thank you. Then after
13 Miss Gruening would be Lance Paul and Ken Washburn. Thank
14 you.

15
16 PUBLIC STATEMENT OF JAMIE GRUENING

17 MS. GRUENING: My name is Jamie Gruening,
18 J-a-m-i-e, G-r-u-e-n-i-n-g. I live in Crescent Valley.

19 The Draft EIS acknowledges low level
20 radiological exposure to the general public in nonaccident
21 conditions during routine transportation of nuclear waste
22 to Yucca Mountain. I and my family live in section 33 of
23 township 29 north, range 48 east, County of Eureka. My
24 home is approximately 3,000 to three and-a-half thousand
25 feet east of the primary alignment rail corridor.

1 I do have a map that is an EIS privileged map
2 that indicates the primary alignment and a secondary
3 choice. Little pink dot indicates where I live.

4 At the nearest point, my home -- at the
5 nearest point to my home the east side of the corridor is
6 comparatively very narrow, which would place the track
7 very near to my home. In the alternate rail route, also
8 through Crescent Valley of the Carlin route, if that would
9 be used, the track itself would be some 500 to 700 feet
10 from my home, and again, that's according to the map.

11 If the alternate route would be used, being
12 so near to my home, would my land and my home be inside or
13 outside the corridor? Exactly how, how much and when
14 would I be compensated?

15 If the primary alignment rail corridor
16 through Crescent Valley would be used, would I be
17 compensated at all for my uncomfortable and disturbing
18 proximity to it?

19 According to figure J-11 on page J-86, volume
20 2 of the DEIS, approximately 12,227 shipments of nuclear
21 waste will come over the Carlin route under the mostly
22 rail scenario. Now according to Ms. Booth today, that
23 number of shipments could be as few as only 9,924.

24 If either Carlin route is used, rail routes,
25 I can expect, according to the DEIS, approximately 12,227,

1 personal, low level, radiological exposures over 24 years.
2 As I approach retirement, I expect to be at my home by
3 choice most of the time. That's quite a lot of exposure.

4 Who will monitor, manage, evaluate, and pay
5 for the immediate and latent health consequences of this
6 repeated and long-term exposure? How will I and my family
7 or our heirs be compensated for the effects on our health
8 and well being?

9 It was stated just here this evening by one
10 of the DOE individuals that DOE follows the NEPA
11 guidelines. The NEPA, National Environmental Policy Act,
12 is intended, I have read, in its documentation to help
13 public officials make decisions that among other things
14 act to protect, restore and enhance the environment,
15 including the human environment. If the Draft EIS and the
16 whole EIS process and the ultimate recommendations and
17 decisions are obligated by NEPA to function in such a
18 manner, I have the following questions.

19 One: How, in what specific ways would the
20 storage of nuclear waste protect, restore, or enhance the
21 site at the Yucca Mountain repository?

22 Two: How, again in what specific ways, would
23 the transporting of nuclear waste enhance the environment,
24 including the natural environment and the human
25 environment along the transportation routes themselves?

1 Especially along those routes that at this time have no
2 rail lines whatsoever, such as the proposed Carlin route
3 through Crescent Valley.

4 And my third question on that line: How and
5 in what specific ways would the construction of a rail
6 line, the location of that rail line, and the transporting
7 of nuclear waste on this track enhance the natural
8 environment and the human environment of Crescent Valley
9 and more specifically of my home, which is as little as
10 one-tenth and as much as possibly seven-tenths of a mile
11 from the track depending on which route is chosen?

12 And I have a few short questions as well.
13 What exactly is an adequate buffer corridor during
14 construction of the rail line in terms of health and
15 safety of residents immediately adjacent? What is an
16 adequate buffer corridor after completion of construction?
17 Where exactly will wells be drilled along the Carlin
18 route? Where exactly will man camps be located of the
19 construction crews?

20 Which of the five proposed rail routes is the
21 most cost effective? What are the projected costs for
22 each of these five proposed rail routes through Nevada?

23 Will there be an overpass or an underpass for
24 county access roads to private property? Who will
25 maintain these changes that would be made to county access

1 roads?

2 And finally, who is liable for the impact on
3 property values?

4 Thank you.

5 MR. LAWSON: Thank you. I appreciate it.

6 MR. SKIPPER: Thank you, Jamie, for your
7 comments.

8 MR. LAWSON: Lance Paul. And following Lance
9 would be Ken Washburn and Carie Dann.

10 **PUBLIC STATEMENT OF LANCE PAUL**
11

12 MR. PAUL: Hello. My name is Lance Paul.
13 And I don't have a formal presentation to make. But I do
14 have some comments.

15 I don't understand why Congress has allowed
16 this process to go through without addressing the need for
17 this repository and the other -- the availability for use
18 and the alternatives to geological disposal. I feel like
19 it's a sham.

20 This is a beautiful valley, and we all love
21 it and live in it, and this railroad will destroy it, in
22 my view. This is a horrendous act of arrogance to think
23 that we can safely store high level nuclear waste for
24 10,000 years. How long have we even been a country? 250
25 years? 10,000 years is outrageous.

1 We have got to come up with a better solution
2 than this. That's the end of my comment.

3 MR. LAWSON: Thank you.

4 MR. SKIPPER: Thank you.

5 MR. LAWSON: Ken Washburn.

6 MR. WASHBURN: I'll pass.

7 MR. LAWSON: Carie Dann. And after she
8 speaks will be Pat Leppala, and then Jennifer Viereck.

9
10 **PUBLIC STATEMENT OF CARIE DANN**

11 MS. DANN: My name is Carie Dan. I'm a
12 native of this valley. The Western Shoshone people,
13 especially my family, has lived in this valley for tens of
14 thousands of years, from time immemorial.

15 I have seen this valley, the areas through
16 here, being destroyed in the name of economy, progress,
17 you name it. We had the geysers down here destroyed by a
18 geothermal power plant. First real obvious destruction to
19 my culture, to my beliefs.

20 Then the mining came in. They, too,
21 destroyed my culture, and my beliefs.

22 Then we also have proposed for this valley a
23 Falcon Condor power line which will lay in this valley.
24 We also have this nuclear rail train that is being
25 proposed to come through this valley.

1 What are you going to do next to destroy me?
2 What are you going to do next to destroy my culture, to
3 destroy my beliefs?

4 To put a waste site -- a waste dump, nuclear
5 waste dump down at Yucca Mountain, I can't see that. Man
6 created that waste. Why is man returning that waste to
7 our mother earth? Why don't you take care of it is? It's
8 your creation.

9 Neutralize it somehow some way. You are
10 sending men up to the moon, Mars. Where are you going
11 next? Can't we stay here? Can't you stay here and
12 neutralize the nuclear waste so that it would be free that
13 we wouldn't have to be afraid, our children wouldn't have
14 to go through mutations or whatever, all these nuclear
15 things cause?

16 We all know, especially -- I know some
17 ranchers have seen it as much as I have, but I have seen
18 deformity in calves. Bad sometimes. It depends on the
19 year. However, since the nuclear test ban, it's not as
20 obvious as it used to be.

21 We also hear mutations can happen. You guys
22 don't tell us that.

23 I do expect some kind of changes in the
24 atmosphere. I have seen it. In my lifetime, living here,
25 in this valley, I have seen the temperature rise from 36

1 below zero to what did we have last year? Nothing. Not
2 even below zero. Four above zero.

3 All these years there's changes that is
4 happening. We don't have to be a nuclear scientist to see
5 these things.

6 I would like to see for this valley, or any
7 other valley, or any of these rail systems they propose,
8 that you people, DOE, spend all the money that they are
9 spending down at Yucca Mountain to neutralize all of that
10 thing that you want to bury down there. You're giving
11 nothing to our future generations, that is to the humans,
12 to the animals, all life.

13 I think life is so precious to all of us.
14 Why do we have to contaminate it? There is so much
15 contamination in this world already, and we're still doing
16 more.

17 As indigenous person, I do not look at the
18 economy, the progress, the way you people do. I look at
19 the earth as a giver of life.

20 We see this thing being destroyed. We see it
21 being destroyed down at the test site, and Yucca Mountain
22 is going to be no different.

23 I see the water as a giver of life. I'm sure
24 this is being destroyed down at the test site, and I'm
25 sure it's going to happen in Yucca Mountain.

1 I see our air is being contaminated. As
2 Corbin said earlier, from the test site where you are
3 putting all this low level nuclear waste, the wind comes
4 along, picks it up, who knows where it's deposited at?

5 I think that if we cannot control the things
6 that we have created, then those things should not be
7 created at all. If we value this earth upon which we live
8 as important, then we shouldn't create these things that's
9 going to destroy it.

10 I don't only look at humans as a form of
11 life; we have birds, we have eagles, we have falcons, we
12 have sagehens. All of these things enjoy this earth. The
13 deer, everything. They have a right to enjoy this as we
14 have.

15 Just because they cannot come out here and
16 talk to you, they're nothing, unless if you can go shoot
17 them for sports maybe, then they become something.

18 Life today is based on how much money and
19 where we can make that money. And I am sure that the
20 State of Nevada is not going to get its share of the money
21 to study all of this stuff that's going on.

22 But my recommendation to DOE, even, too, I
23 was going to say - and I don't know if it would be bad to
24 say it, so maybe I better not say it - but I do look at
25 congressional people sometimes as spineless, because you

1 have to stand on principles. If you don't have
2 principles, then you have nothing.

3 Western Shoshone people do have a treaty with
4 United States. I don't know if that means anything. But
5 I do remember reading somewhere in the United States
6 Constitution that it is the supreme law of the land.

7 I see today, we as indigenous people, we're
8 overlooked, we're stepped on. Then they tell us, well,
9 you know, here is your culture things, you know. You
10 shouldn't pick them. It's against the law to pick them.

11 Why shouldn't it be against the law? Why
12 shouldn't the law somehow say that as indigenous people,
13 our rights are just as important as your rights?

14 I see in one of these volumes that you have
15 over here that it talks about U.S. v. Dann. I guess I'm
16 that Dann that they talk about in there.

17 But the fact remains, no court in the United
18 States has ever addressed Western Shoshone land issues.
19 All they say is that we took it from you and we're going
20 to give you 15 cents an acre. That's what we get. Is
21 this democracy? What is it?

22 Maybe we go back to the time Columbus first
23 landed over here, he says, oh, we have landed in paradise.
24 But the minute he found out that we were not Christian
25 people, he called us heathens. Is that the way the court

1 structure still looks at us today?

2 If anybody refers to U.S. v. Dann, I would
3 like for that person, that entity, that government, or
4 DOE, whoever it is, to show me where Western Shoshone land
5 title was ever argued before any court system. And I say
6 any court system of the United States.

7 As a Western Shoshone person, I do not want
8 this here. I don't want it here, I don't want it the next
9 valley, I don't want it down at the test site. I don't
10 want it any place.

11 Like I say, DOE and the government has to
12 find a way to neutralize all this contamination, the
13 poisoning of our bodies, not only of our bodies but the
14 poisoning of all life on this earth as we know it today.

15 I'd like to say also one more thing is that I
16 can probably say I have been jailed by the DOE personnel
17 down at the Test Site a number of times. I have a jail
18 record.

19 My little fingerprints were done, every one
20 of them. They left my toes out, though.

21 But real seriously, if you don't like
22 something that's going on, stand up. Stand up and do
23 something.

24 Even though quietly there's people around you
25 who can do your work for you. And I can say one thing. I

1 admire all of these people that's come here today. We
2 have one goal. Keep that nuclear waste out of our
3 valleys. Not only this valley, but all the other valleys.

4 Uncle Sam can spend all of that money it
5 spends down at Yucca Mountain to do something better to
6 neutralize all that, I got a good word for it but I guess
7 I shouldn't say it.

8 MR. LAWSON: Thank you.

9 MS. DANN: And I want to thank you guys for
10 listening to an old lady. A derelict.

11 (Applause.)

12 MR. SKIPPER: Thank you for your comments.

13 MR. LAWSON: Yes. Thank you. Our next
14 speaker will be Pat Leppala. And she will be followed by
15 Jennifer Viereck and then Nancy Louden. That is a tough
16 act to follow.

17 **PUBLIC STATEMENT OF PAT LEPPALA**

18
19 MS. LEPPALA: I can't follow that act.

20 My name is Patti Leppala. I live in Crescent
21 Valley.

22 When John Glenn was going up in the space
23 capsule, people asked him, how did you feel? He said,
24 every component of the space capsule was let to the lowest
25 bidder.

1 You know, we're all in that space capsule
2 this evening because it seems like on the railway tracks,
3 this nuclear waste is going to be let out to the lowest
4 bidder. I can only assume that, but it's going to a
5 private contractor that will be taking it down the track.

6 Now, on the wall is a map, and in the DEIS
7 statement is a map, and the two maps are different as far
8 as the corridor. I want this registered. It's 6-59, and
9 on page 6-61, it tells where the railway is going through,
10 but there are two towns that aren't really towns that are
11 inhabited any more, and that's Gold Acres and Tenabo, and
12 we would like you to look at that because this is also
13 inaccurate.

14 I feel that all of the nuclear waste should
15 be stored on site as it is. I would like to see it
16 monitored. I would like to see a reasonable no action
17 alternative presented. And I'm very concerned about the
18 lowest bidder hauling our nuclear waste. Thank you.

19 MR. LAWSON: Thank you.

20 MR. SKIPPER: Thank you.

21 MR. LAWSON: Jennifer Viereck. And then she
22 will be followed by Nancy Loudon and Christopher Sewall.

23 PUBLIC STATEMENT OF JENNIFER VIERECK
24

25 MS. VIERECK: Hello. My name is Jennifer

1 Viereck, V-i-e-r-e-c-k.

2 I'm going to repeat my first four points from
3 this morning for the benefit of the community, and then
4 I'd like to talk about some other rail concerns that I
5 have.

6 I think there's a number of inadequacies in
7 this document. It's obvious that a lot of work went into
8 it, but there are some real serious concerns, and the
9 first one that I have is the language that is used, spent
10 fuel. Spent fuel implies that the radioactivity is no
11 longer present, that it's been used up in some manner, and
12 I think that's highly misleading, and I think the DOE
13 could do better with language. Irradiated fuel might be
14 good.

15 As the fuel comes out of the nuclear reactor
16 it is one million times more radioactive than when it goes
17 in. So this does not indicate spent to me.

18 I have some legal concerns, legal conflicts
19 that I think are very inadequately addressed and could be
20 serious in the future of such a project. The first is the
21 Treaty of Ruby Valley.

22 The Treaty of Ruby Valley was acknowledged by
23 the U.S. Government as giving sovereignty over this land
24 to the Western Shoshone people, and I would hope that my
25 government would keep its word. There is a proposal to

1 withdraw 230 square miles for this project. Why that's so
2 large, I do not know.

3 In addition to this quarter mile rail
4 right-of-way that we're talking about. Every inch of this
5 mileage line is within Western Shoshone territory. So I
6 would hope that the final EIS addresses that a lot more
7 seriously than the draft document does.

8 I'm also concerned about legal conflicts with
9 the State of Nevada, the issue of transporting high level
10 waste into a state that has outlawed that, and I'm really
11 concerned about the issue of water pollution, which is a
12 felony in the State of Nevada.

13 I have some legal concerns about the use of
14 the National Environmental Policy Act in this instance. I
15 want to really make it clear that as I read this, it is
16 not to be used to try to railroad, and I'm not trying to
17 make a pun, a political decision or an existing decision
18 through by using this law, but this project needs to be
19 really carefully evaluated with this law and not just
20 pushed on through. The project appears to me and to many
21 that I'm listening to tonight to be based on some pretty
22 bad science, and I'm really concerned about that.

23 The original mission of the Yucca Mountain
24 repository was to contain and isolate high level nuclear
25 waste from the environment, and it's very clear from this

1 draft document that the DOE no longer feels able to do
2 that. So why are we proceeding in this manner?

3 This is a very serious concern to me. It is
4 pretty clear that given the overall lifespan of the
5 nuclear materials in question, the project would barely
6 slow down the spread of radionuclides.

7 As far as general railroad transportation is
8 concerned, not just spur that we're talking about which of
9 the five it would be, but general railroad transportation
10 around the United States, I have some real concerns there.
11 I have done some very preliminary research, but I was
12 pretty alarmed by what I found.

13 As this material travels on general
14 railroads, whether it's attached to a commercial train or
15 whether it's on a dedicated train, it's still going to be
16 going through a whole lot of track and through 43
17 different states. I found that 80 percent of rail
18 crossings in the United States do not have signals. I
19 found that you are 30 times more likely to be hit by a
20 train than another automobile. That's the rate of
21 accidents in this country. And they are rising.

22 That there is a rail accident somewhere in
23 the United States every 90 minutes, and this figure has
24 continued to increase over the last several years. And
25 that there is a toxic spill every two weeks.

1 I have really serious concerns about these
2 statistics continuing to be in place with casks of nuclear
3 materials attached to each of these accidents and
4 problems.

5 And I am extremely concerned about the delay
6 that these things could cause to nuclear casks that would
7 be attached to such trains, that they would sit in areas
8 where they would continue to emit radiation. I don't find
9 any of these items addressed in the document, and so
10 that's why I'm concerned about inadequacies.

11 I would hope that the final document would
12 have a great deal more information about rail
13 transportation in the U.S. or that an additional EIS or at
14 the very least a supplement would be put forward, because
15 I don't see how anybody can make educated decisions
16 without this kind of information.

17 As far as this specific spur, whether it is
18 here or any of the other four routes, I'm really concerned
19 by the lack of information and how one could possibly make
20 a decision about either method of transportation or route
21 given what's there.

22 There is, as other people have mentioned, a
23 real inadequate amount of information on the issue of
24 fencing and how that would affect farms, ranchers,
25 migration patterns, grazing and other local access on

1 hundreds of small county roads that go through the area
2 that this rail would continue to pass through.

3 There seems to be inadequate information
4 about materials and construction methods and
5 specifications.

6 There's very little information about
7 signaling and how that would be used.

8 There is very little information about
9 accidents along the tracks, and I mean things like floods,
10 animals on the tracks, these kinds of things, how that
11 would be addressed in terms of delaying rail cars
12 indefinitely, perhaps next to Jamie's house.

13 And there seems to be inadequate information
14 about the issue of ownership and maintenance.

15 I personally live near the test site, and I
16 live near Yucca Mountain. So while you are concerned
17 about how many trains are going to go past your house, I
18 live where they are all going to arrive and remain for the
19 end of time.

20 So I'm very concerned, and I'm very concerned
21 about DOE's past record for accidents, cleanup,
22 maintenance and that kind of thing, because where I live
23 during the winter months -- during the summer months I
24 understand they mainly come down through Ely and that
25 area. When Ely starts to snow up, the nuke low level

1 waste that is going into the nuclear test site comes
2 within two and-a-half miles of my home up from the south
3 from Baker, between five and 15 trucks a week. These
4 trucks are all to clean up other DOE sites where those
5 people were told that there wouldn't be a problem.

6 So you can understand that I have a certain
7 amount of concern in listening to these statistics.

8 My final point is that I would really like to
9 see a much more reasonable approach in the document for
10 the no action alternative. I think both proposals that
11 are in this are fairly ridiculous, and they are quite
12 misleading when one tries to compare the rest of the
13 project to the no action alternatives.

14 I have spoken to a number of people privately
15 who work at the Yucca Mountain site in a variety of
16 capacities. At this time most of the people that I have
17 spoken with feel strongly that it's a bad idea.

18 And I just want to share with all of you that
19 they are being able to go home with their paycheck and
20 feel reasonably good about that because they are counting
21 on us to stop this project so it doesn't go through.
22 Thank you very much.

23 MR. LAWSON: Thank you.

24 MR. SKIPPER: Thank you.

25 MR. LAWSON: We'll take the two people that I

1 called earlier. We'll take them, and then we'll take a
2 short break. Nancy Louden. And then following her will
3 be Christopher Sewall.

4 MS. LOUDEN: Now?

5 MR. LAWSON: Yes.

6
7 PUBLIC STATEMENT OF NANCY LOUDEN

8 MS. LOUDEN: My name is Nancy Louden,
9 L-o-u-d-e-n. And before the meeting this elderly woman
10 came to my house that I know, and she's pretty frail. So
11 she couldn't come to the meeting. And she gave me this
12 paper, and I'd like to read that for her.

13 MR. LAWSON: Please.

14 MS. LOUDEN: Her name is Jean Plummer. Do
15 you want me to spell that?

16 THE REPORTER: Please.

17 MS. LOUDEN: P-l-u-m-m-e-r. Beowawe and
18 Crescent Valley, Nevada, might be considered townships
19 with small populations, even if all the surrounding areas
20 were included. Our land, though, has much natural beauty,
21 good fishing, hunting, colorful spring flowers, canyons in
22 the mountains, willows and cottonwood trees and streams
23 winding through. Our children have a great school and a
24 small community to grow up in.

25 The Yucca Mountain project will destroy all

1 of this within 25 years if not sooner. There will be very
2 little left as radioactivity flows into the air and seeps
3 into the water supply for both the flora and fauna. This
4 part of Eureka County, Nevada, has historical sites, too,
5 graveyards that are 150 years old, a long time for the
6 West. There are many mines and ranches equally as old.

7 The Yucca Mountain project makes me think
8 that the government feels we and our land are expendable.
9 I urge you to stop this nuclear waste. Put more money
10 into researching how to accomplish this instead of
11 spending millions of tax dollars on railways and research
12 to carry this waste which will destroy our small part of
13 the United States.

14 The Yucca Mountain waste site project is not
15 going to solve the problem. It will only destroy more
16 land, more communities.

17 In 50 years our government will be looking
18 for another waste site, more of our great country will be
19 destroyed. Stop this Yucca Mountain project for our
20 generation and future generations.

21 Okay. Now this is mine. I am Nancy Loudon,
22 and I am feeling desperate and angry. The proposed
23 facility at Yucca Mountain and the transportation of
24 nuclear waste to it is also desperate. This waste cannot
25 be contained for two generations, much less two million

1 years, without leaking into the environment.

2 It isn't the first time in history that
3 people have been led by mankind in the wrong direction.
4 If this rail line goes through Crescent Valley, it will
5 put the people here in a no-win situation. If we stay, we
6 get nuked; if we leave, we lose our property.

7 Let's get real. If none of us here want a
8 nuclear train in our yard, who is going to want to buy it
9 from us for what it was worth before the nuke train
10 threat? Either way we lose. Stay, we lose; go, we lose.
11 Are you going to compensate us for ruining our lives and
12 how?

13 We own a hot springs, pool and house,
14 one-half mile from the proposed rail line and a trailer
15 one and-a-half miles on the other side. At our hot
16 springs, there is a lot of different kind of birds that
17 come there. We have a wetlands, and there's been about 50
18 different species of birds that land there and rest up
19 before they go on to other places, and we have a lot of
20 animals there, and if they build a railroad, all that
21 noise is going to scare them away, and plus the train will
22 scare them away when it comes through here.

23 And to go back, we own the hot springs and a
24 house a half mile from the proposed rail line and a
25 trailer a half mile on the other side. Because we don't

1 have electricity at the spa, we live between the two
2 places. It's kind of a different kind of lifestyle, but
3 we like it. We really love it.

4 And we go back and forth all the time. We
5 will be crossing the tracks about six or eight times a
6 day. This is going to greatly impact our lives because we
7 will have to schedule our lives around the train schedule.
8 If it's even available to us. Will it be?

9 We don't want to be stopped at the crossing
10 waiting for the train to go by because our radiation
11 exposure will go up. We will lose spontaneity in our
12 lives and the freedom to make our decisions for our
13 movement in the valley we live in.

14 We use our hot springs to improve our health,
15 and it is hardly compatible with train cars full of deadly
16 waste sitting in Beowawe and going by in full view from
17 our hot water therapy bath.

18 This will definitely devalue our property
19 and ruin us financially. Even if DOE did compensate us,
20 would it be enough to relocate at another hot springs?
21 Hot springs are not replaceable. We would be lucky to
22 ever find another one to buy.

23 Basically you're taking something from us
24 that you can't replace. I think that's called stealing.
25 Isn't it?

1 Thank you.

2 MR. LAWSON: Thank you.

3 MR. SKIPPER: Thank you.

4 MR. LAWSON: And the last speaker in this
5 segment, Christopher Sewall.

6
7 PUBLIC STATEMENT OF CHRISTOPHER SEWALL

8 MR. SEWALL: Hello. My name is Christopher
9 Sewall, that is S-e-w-a-l-l.

10 For the past nearly seven years I have been a
11 staff person at the Western Shoshone defense project.
12 Western Shoshone directed a nonprofit organization based
13 here in Crescent Valley.

14 The first point I want to make to the DOE -
15 and these would be our preliminary comments; we will be
16 submitting written comments by the deadline - the first
17 point I want to make is that Indian country does not stop
18 at the reservation boundary. And that Western Shoshone
19 communities are not limited to the reservations.

20 As you have already heard, there is a Western
21 Shoshone community located here in Crescent Valley within
22 eight miles of the proposed route, even closer to the
23 alternate route, this rail route through this valley.

24 And again, I will reaffirm and remind the DOE
25 of the Treaty of Ruby Valley and that treaties are indeed

1 recognized in the Constitution as the supreme law of the
2 land. The only thing we see so far in the EIS regarding
3 the treaty is some references to the Supreme Court case
4 and to an Indian Claims Commission decision. And we would
5 like to reaffirm our position that title has never been
6 litigated to Western Shoshone land.

7 And in fact, a Federal District Court here in
8 Nevada made a ruling which in fact said that the Treaty of
9 Ruby Valley is in full force and effect.

10 Now we currently right now, the U.S.
11 Government is under investigation by an international
12 human rights commission, the interAmerican Commission on
13 Human Rights which was established by the Organization of
14 American States to protect and promote human rights by the
15 member states of the Organization of American States,
16 which is essentially a United Nations of the western
17 hemisphere, of which the U.S. Government is part of. And
18 right now this commission is investigating the status of
19 U.S. treatment of Western Shoshone people and the process
20 by which the U.S. has claimed to deprive them of title to
21 their land, and we feel that the DOE should be aware of
22 this process and the fact that the DOE proceeding with
23 these plans for Yucca Mountain and this rail route
24 prejudices this investigation.

25 Another thing -- a question that I want on

1 the record. Two questions that I want on the record.
2 First of all, is it the DOE's position that Western
3 Shoshone land title was litigated by the Indian Claims
4 Commission?

5 Second question I want on the record. Is it
6 the DOE's position that the Indian Claims Commission
7 proceedings and the Supreme Court has the legal authority
8 to nullify the Treaty of Ruby Valley?

9 Another just point I'd like to add to that.
10 The government is always bringing up the U.S. v. Dann
11 case, the Supreme Court case, as their silver bullet to
12 dismiss Western Shoshone land claims and issues. I would
13 just like to remind people that the Supreme Court doesn't
14 necessarily make morally correct decisions. In our past
15 the Supreme Court has in fact ruled it is legal to own
16 another person. I think we would all agree, and even
17 people at that time would agree, that was a morally
18 reprehensible position and people resisted it, and it is
19 the same attitude that we have concerning the Supreme
20 Court's decision regarding the Dann and Western Shoshone
21 land title. It is simply an immoral and frankly illegal
22 taking of those lands.

23 The other points that I wanted to bring up
24 concerns the nature of NEPA, the National Environmental
25 Policy Act. Now it is my understanding that this act was

1 created to help the U.S. Government with the input of U.S.
2 citizens to make informed decisions about projects that
3 affect the environment and to look at the environmental
4 and different impacts associated with these decisions.
5 Now one of the key parts of the NEPA process is defining a
6 need, a need for the project, why are we going ahead with
7 this project in the first place. Right now we're not
8 convinced that the DOE has adequately justified the need
9 for this project.

10 Perhaps more importantly is the lack of
11 alternatives in this document. The very heart or essence
12 of the NEPA process is the evaluation of alternatives to
13 the project at hand. That's the very heart of the NEPA
14 process. The whole substance of the NEPA process is
15 evaluating the different possibilities, different
16 alternatives for the project at hand.

17 And instead, instead we get two alternatives.
18 We get we can build the dump or the no action alternative.
19 And I'd like to point out that the no action alternative
20 should be a reasonable alternative, and right now the no
21 action alternative that we have been presented in this
22 document is completely unreasonable, and in fact, I don't
23 know of anybody advocating for the scenario that you have
24 put in the no action alternative. Nobody is saying leave
25 the waste at the site for a thousand years, 10,000 years

1 unmonitored. Nobody is saying that. Nobody in the
2 antinuclear movement, nobody is saying that.

3 So why are you evaluating in there? It is a
4 straw man. You knock it down. So we have an alternative
5 that we couldn't possibly choose or the dump. That's
6 ridiculous.

7 The other thing that really concerns me,
8 especially after hearing the presentations, is how many
9 times I heard the word assume. Is that so many parts of
10 the details of this project, the devil is in the details.
11 We assume this, we assume that, we don't know yet. It's a
12 concept. We assume.

13 I think we all know the joke about assuming.
14 And I think it's very true in this case.

15 I'm particularly concerned about the details
16 of the rail design and operation. All these details are
17 left out. We don't even know if it's going -- the DOE
18 hasn't made a determination if this is going to be a
19 single use railroad.

20 How can you possibly evaluate the risks of
21 rail lines without knowing what you are going to be
22 putting on those rail lines? You can't do it.

23 The last point that I want to make as a
24 representative of the defense project is the fact, and
25 this has been mentioned before as well, is the fact around

1 World War II the Atomic Energy Commission and the
2 Department of Defense seized hundreds of thousands of
3 acres of Western Shoshone land, the creation of the Nellis
4 Air Force Range and the Nevada Test Site. This was done
5 without the consent of Western Shoshone people, and access
6 is now denied to those areas. Burial sites have been
7 disturbed, cultural sites have been disturbed, plants,
8 animals and water have all been contaminated to these
9 things.

10 And now what we see is the federal government
11 doing exactly the same thing and trying to force a project
12 down the throat of people that don't want it. The Western
13 Shoshone people have made clear opposition to this project
14 at every step. There are tribal resolutions. The Western
15 Shoshone National Council has declared Western Shoshone
16 territory as a nuclear free zone.

17 But still we proceed forward with this. I
18 want a government that acts with dignity and honor. And
19 this is not the way the federal government is behaving in
20 regards to this project. And I'm ashamed, and you should
21 be ashamed as well.

22 The last thing, our position is that we feel
23 from the information we have now that this project as
24 proposed and the transportation will have a profoundly
25 negative impact on the political, economic, cultural,

1 social, spiritual survival of the Western Shoshone nation.

2 And then I'd just like to add just one more
3 comment perhaps, not as a representative of the defense
4 project, but my family is from Maine, and they still live
5 there, and we live about 12 miles from Maine Yankee
6 Nuclear Power Plant. When that power plant was built,
7 family land was condemned to build that power plant. Some
8 of my family land was condemned.

9 And I don't like my family living next to
10 that stuff over there. But I sure as hell don't support
11 putting it on a truck and sending it out here because you
12 are just making a bad problem even worse. So I just want
13 to say that.

14 And one last comment I want to make, too.
15 And I brought this up in the questions. I just
16 remembered, but I want to have it on the record. Is that
17 I see it really as hypocritical that the federal
18 government would require such a level of detail of
19 information from private industry in regards to the mining
20 industry for all their projects on federal lands, and then
21 would exempt itself from the same level of detail in
22 evaluating this project, this Yucca Mountain project. So
23 that's all I have to say.

24 MR. LAWSON: Thank you.

25 MR. SKIPPER: Thank you.

1 (Applause.)

2 MR. LAWSON: Well, thank you all for your
3 comments. The average is about five minutes, and that is
4 satisfactory for me.

5 Let's take a break and come back why don't we
6 say 10 minutes of nine. I still have six people on the
7 list, and I'll say who the first couple of people are here
8 in a minute.

9 I hope that you will stay around. If you
10 don't, I appreciate, we all appreciate your taking the
11 time to come and to make your comments. But you are
12 certainly welcome to stay to hear the remaining people.

13 We'll come back at 10 minutes to nine
14 according to that clock. And the first three speakers
15 will be Lois Whitney, Bernice Lalo and Evangeline Holley.
16 We'll take a recess until 10 minutes of nine. Thank you.

17 (Recess taken at 8:37 p.m.)
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20
21
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24
25

1 CRESCENT VALLEY, NEVADA, THURSDAY, DECEMBER 9, 1999

2 8:50 P.M.

3 -o0o-

4
5 MR. LAWSON: I just discovered that two of
6 the people who were scheduled to speak have declined to
7 speak. So I now have four on my list.

8 The first person to speak will be Lois
9 Whitney. She will be followed by Bernice Lalo and then
10 Bill Leppala. Lois Whitney, please.

11 By the way, as Miss Whitney is coming to the
12 podium here, I'd like to just acknowledge that Jozette
13 Booth is now going to be officially listening to the
14 comments for the Department of Energy. Hello again.

15
16 PUBLIC STATEMENT OF LOIS WHITNEY

17 MS. WHITNEY: Good evening. Again I want to
18 welcome you to Western Shoshone territory. I spoke
19 earlier today, and I would like to just recap a little bit
20 of the things I talked about.

21 I'm glad to see so many people staying from
22 the first to the second. This is an issue of very
23 importance to all of us.

24 My name is Lois Whitney, and I am a
25 descendent of the Western Shoshone who lived at Beowawe.

1 I'm a descendent of many of the people throughout Western
2 Shoshone territory.

3 Radiation in Western Shoshone territory and
4 worldwide is not necessary or welcome. Did you hear me?
5 Radiation in Western Shoshone territory and worldwide is
6 not necessary or welcome.

7 I speak out for those beings in life that are
8 without voice but have been impacted by colonization of
9 our territory and by radiation. True, radiation is
10 present in many natural energy sources and over time has
11 contributed to natural catastrophes for millions of years
12 and has inevitably affected all life. But man-engineered
13 catastrophes come full circle to Western Shoshone
14 territory.

15 Beginning in the 1940's, the testing of the
16 atom bomb for nuclear warfare impacted all life in Western
17 Shoshone territory and its neighbors, native and non,
18 speaking and unspeaking.

19 And let us not forget to mention the
20 thousands of people of Nagasaki and Hiroshima who suffered
21 mutation and death. That's something we should have on
22 our conscience as native people and native people to this
23 land because we allowed it to happen. Now comes the end
24 with transportation, too, and storage in Western Shoshone
25 territory, radiation inevitably to complete the numerous

1 cycle of genocide.

2 Stop all forms of genocide against man in all
3 life. Did you hear me? Stop all forms of genocide
4 against man in all life.

5 We, you and I, are significant to the
6 survival of all. Stop the warfare against the Western
7 Shoshone rain forest. We will be disadvantaged to fight
8 what our senses cannot detect. Remember, there are no
9 assurances of the health and safety and/or compensation on
10 ourselves and our future generations. Should we allow
11 this to exist?

12 There will be diseases attributed from the
13 radiation that will not discriminate by race or economics.
14 Together we determine our environment. Let's give it
15 careful consideration. To all that we affect, to all that
16 it does.

17 Stop in the name of progress nuclear waste.
18 Did you hear me? Stop in the name of progress nuclear
19 waste.

20 I'd like to read something also. It can be
21 part of the record if you would like it or not. It is
22 your choice.

23 Today is December the 9th. And a group of
24 native people put together a book which they called
25 "Meditation with Native Elders" for all the seasons that

1 exist. I believe this applies to this situation.

2 "December the 9th. The natural law will
3 prevail regardless of man-made laws, tribunals
4 and governments. This comes from the traditional
5 circle of elders from the Navaho Hopi joint use
6 area. The great spirit made laws by which man
7 needs to live. These laws are just and are
8 about living in harmony. Man has passed many
9 laws that say it is okay to do things. Many of
10 these man-made laws are out of harmony with the
11 laws of the great spirit. These are man-made laws
12 that will cause trouble for the human being if
13 they are out of harmony with the laws of the
14 great spirit. Teach us the proper laws."

15 And this is our responsibility. Thank you.

16 MR. LAWSON: Thank you very much.

17 MS. BOOTH: Thank you.

18 MR. LAWSON: Bernice Lalo and to be followed
19 by Bill Leppala and Joseph Carruthers.

20
21 **PUBLIC STATEMENT OF BERNICE LALO**

22 MS. LALO: (Spoke in native language). I am
23 Western Shoshone. My name is Bernice. I come here to
24 talk to you. Are you going to understand me?

25 Because the things that you say in the EIS

1 are just as foreign to you as something I said to you just
2 a minute ago.

3 (Spoke in native language.) Are you going to
4 hear me? Because that EIS that you have on your table
5 there is just as foreign to some of us in here as the
6 Western Shoshone language is to many except the Western
7 Shoshone.

8 I wanted to start with that because I think
9 there's a difference here. The difference is the
10 language. The language that DOE speaks is not the
11 language of the Western Shoshone, nor is it the language
12 of many of the people that are in here. You turn to page
13 202 over there, do you think everyone in this room will
14 understand that? I don't think so. I think that you will
15 find many people that do not understand a word on that
16 page.

17 And when Carie was talking about time
18 immemorial, she was talking about time that no one can
19 remember, and that's how long we have been here. When we
20 fought against Rock Creek, they told us that. They said,
21 Well, you Shoshones, you have only been here for 2,000
22 years, and we said, And how long has Lander County been
23 here?

24 So we'd like to ask that same question. How
25 long has Nevada been here? How long has DOE been in

1 existence?

2 We have been here longer than DOE, or Eureka
3 County, or Lander County, or the State of Nevada. And we
4 have been here as long-risk participants in everything
5 that the U.S. has prepared for us. We have been
6 participants in land theft, we have been participants in
7 language loss, we have been participants in the loss of
8 cultural pride, we have been participants in genocide.

9 This is not new to us here, people. This is
10 something we have lived with for hundreds of years,
11 millions of years.

12 And we are telling you that we are now
13 participants of a long-risk program here. Not just the
14 Western Shoshone here. We here in this room are
15 participants of a long-risk death program here.

16 And Carrie was talking about the animals. You
17 know those animals that come from near Yucca Mountain,
18 near the Nevada Test Site, those are animals we eat. I
19 mean, they might sound repugnant to you, but we eat
20 squirrels and deer and gophers, and way back when we might
21 have eaten snakes and whatever. But those are animals
22 that do not know the boundaries of the little easement
23 that you are going to put alongside the railroad. Those
24 are animals that we're going to consume.

25 And no one has put a study together to tell

1 us about the long risk that we are going to have to take
2 when we consume those animals. Those animals are part of
3 our heritage. They are part of the program that we give
4 to that little guy right there.

5 You know last year he went to the Western
6 Shoshone defense project, Shoshone gathering. He didn't
7 know anything, but we were eating yaha (phonetic), which
8 is our favorite food, and you guys probably go yick, but
9 we roasted it and we took the hair off and it was singed
10 and it was black, and he didn't know any better. So he
11 just took the tails that they were throwing away.

12 But you know, he's learning, and he was four
13 last -- four, three, three and-a-half, somewhere like
14 that. And those are traditional foods. And no one has
15 bothered to study what is happening to us because of our
16 traditional foods. No one can tell him that, you know, he
17 can't go eat that. Because that is part of who we are.

18 And you know, even as far as the terms that
19 people use here, we're talking about, you know, people say
20 earth mother, earth mother, da, da, da, da, but the
21 language that we use to describe it is called solvia
22 (phonetic). It means mother and it means earth.

23 I mean, there is no difference. When you go
24 to pick something up, there's no scientific term for it.
25 That's just what it says. Exactly.

1 And so in this concept, in this cultural
2 concept, when you're taking this down to Yucca Mountain,
3 the transportation, we are talking about genocide. And we
4 have long been participants in this. So I wanted you to
5 know that.

6 And the radiation that comes from this
7 transportation, we will be the long-term participants in
8 that, and the people that live here will be also. But the
9 animals that live there will bring it back to us, and
10 we'll have double jeopardy because that's part of our
11 traditional foods.

12 So we have had a long-term participation with
13 radiation, low level, high level, bombs, you name it, we
14 have been there. We have people that are now in this part
15 suffering the cancers that come from the radiation that
16 they never have studied, the native exposure, the native
17 pathways.

18 But I think now we're talking about this, and
19 we're talking about not just like 10,000 years down the
20 road. You know, I bet if I surveyed 50 people in here, 50
21 percent of the people in here, they would come from Iowa,
22 New Mexico, New York, I don't know where. But anyway, but
23 the Shoshones are born here. This is their territory.

24 I mean, it doesn't matter if you have a piece
25 of paper that is a quitclaim deed that says that we deeded

1 it to the United States. We didn't. We have not. And
2 until something happens where the political circle rides
3 against us, we will always claim this as Western Shoshone
4 land.

5 As a matter of fact, we have got some of the
6 people in government circles almost trained, almost. We
7 go on a tour and they ask us for comments, and we say,
8 Well, you know what it is going to be? And this
9 archeologist from Battle Mountain, BLM, she says -- well,
10 I say, What is it? What is our first comment? She says,
11 It's Western Shoshone country. And we say, You got it.
12 We're finally teaching you something.

13 But anyway, that's where we're coming from.

14 And as far as nature goes, we know about the
15 amount of accidents that happen in this country. You can
16 go outside and look at my truck, it's got bashes on both
17 sides. That was that winter, that was that winter, that
18 was that winter, you know.

19 And I'll tell you what. When I went to
20 Albuquerque about six years ago, I passed these semis on
21 the road, and I saw them tipped over in the median between
22 the two highways. And I know those are the routes they
23 are going to be taking. And I know the risks that those
24 truck drivers take. I know when my windshield has no
25 space in it to see, and I know when I see them laying down

1 on their side.

2 So you cannot tell me that the transportation
3 is safe. You cannot tell me that. Because we live here,
4 we know what it is like. We know you have to go two miles
5 versus 200. We know that.

6 Those are weather conditions that are natural
7 to this area. They are not going to stop just because DOE
8 is going to come here. They are not going to stop just
9 because you are going to put on a railroad. They are icy
10 conditions here, and we are all going to be impacted by
11 that. We're going to talk about something else.

12 Now when you are talking about how fast or
13 how slow that water is going to go and that you are going
14 to be able to trail it, and that you are going to be able
15 to trail it for 10,000 years, I don't think so. Because
16 you don't have science that is that accurate.

17 And then we already are buying water from the
18 store. We're already buying 36 cent containers, we're
19 already buying 69 cent containers, and I bet even in your
20 purse there you probably got a dollar ninety worth of
21 water. And that is what we're going to be looking at.

22 Your science is not accurate enough to
23 predict 10,000 years. I don't know what I look like, but
24 I ain't no fool. I mean, I don't think these people are
25 either.

1 And that's just the bare fact. It is not
2 science. It is just something that you are asking us to
3 believe, and I think there's more intelligence in this
4 room than whatever.

5 But anyway, we're not asking for this to come
6 here. And I'll tell you what. You know they taught my
7 little boy how to say the Pledge of Allegiance, but in the
8 end it says justice for all.

9 I don't think so. It's not justice for all.
10 It's just us maybe for DOE. Just us.

11 MR. LAWSON: Thank you.

12 MS. BOOTH: Thank you.

13 MR. LAWSON: Our next speaker is Bill
14 Leppala. He will be followed by Joseph Carruthers.

15 **PUBLIC STATEMENT OF BILL LEPPALA**
16

17 MR. LEPPALA: Hi. My name is Bill Leppala.
18 I'm a member of the Crescent Valley Town Advisory Board.
19 I volunteered, by the way. But I'm not here in that
20 capacity. I'm here as an individual.

21 I want to take a serious look at our EIS
22 book. I don't pretend to be an expert in it. I looked at
23 enough areas to make me question it, and we all know
24 everyone in this room has had experience with small
25 children. Fibs are generally caused by omissions.

1 And I found some omissions in there, things
2 that may be addressed in the EIS but not to my
3 satisfaction, and if not to mine, then probably not to a
4 lot of the people in this room.

5 The first issue is the health and safety
6 portion of it. We're looking at leakage rates, one of
7 which there's been some articles in the news lately about
8 if you don't like it, you readjust it, or if you don't
9 like the dosage rates, you readjust a quarter or you
10 readjust the parameters.

11 I understand there is a serious deficiency
12 here between the thinking on the DOE and the environmental
13 people, Environmental Protection Agency. That's one
14 issue.

15 The other issue is I just found out tonight,
16 by the way, that this corridor is to be a quarter of a
17 mile wide. Interesting.

18 Now, has there been any assessment made, have
19 there been any modeling done on what the radiation
20 contamination is long term outside of this quarter mile
21 corridor? Is a quarter mile corridor to be a restricted
22 access area? And if it is, people that live by it, what
23 is the dosage rate for the present people, and for the
24 future people, and the long-term effect on the things that
25 don't know any better, the animals, the livestock, the

1 waterways, the wetlands, things like this. I didn't find
2 those in there either.

3 Another thing I didn't find, I didn't find
4 any assessments. I wasn't here this morning, by the way.
5 I had to work today. Maybe there were some assumptions
6 made this morning at the meeting.

7 I don't know how many are familiar with
8 what's called an accident plume, and what it basically is,
9 you start from the beginning when it's bad, and work out
10 to the point where it is tolerable. And these things are
11 generally generated with accidents of radiation.

12 I see nothing in there on accident plumes or
13 contaminated areas that were specific to this area with
14 which I'm concerned, due to our prevailing winds and our
15 weather conditions.

16 The next thing in health and safety, I guess
17 it's been rehashed, but I would like to say it anyway,
18 monitoring. Whose responsibility is it to monitor these
19 things? The air quality, the ground quality, the water
20 quality, this sort of thing. Who is to participate in
21 this? Is it to be the federal government, the regulatory
22 agencies, county, and where does the money come from?

23 You don't believe the county is tight, ask
24 Pete. And he won't spend any money, I guarantee that.

25 Then again, who is going to train these

1 people? And to what level of training will they receive?
2 Will they receive training to handle all aspects, all
3 types of emergencies, and/or spills and/or exposures? And
4 then will they, too, be monitored?

5 The second item is environmental and access.
6 The other thing I didn't see in that EIS book, I didn't
7 see an environmental assessment unique to our area. I
8 didn't see wetlands discussed, of which the Humboldt River
9 surely qualifies. And certain periods of the years the
10 playas certainly do.

11 I didn't see ground water levels. I didn't
12 see permeability tables. I didn't see migration tables
13 for waters. These things are not addressed in there. So
14 by omission, it's a fib.

15 I didn't see anything in there also on the
16 flood plains that we have. I didn't see anything
17 mentioning the migratory birds that come through our area.
18 I didn't see any of this in there that was peculiar to our
19 own area, which is important to us, all of us in this
20 room.

21 The third area is near and dear to my heart
22 and probably a few others in here, it is called property,
23 taking of. The corridor as marked on the map, every other
24 mile will probably pass through a portion of private
25 property. Now, will this just be condemned? Will the

1 people be compensated? Will it be assessed at market
2 value? Will it be assessed at the BLM value? Of the
3 neighboring properties? Those questions weren't answered
4 to my satisfaction.

5 Recreation and ranching, land use. We have a
6 tremendous amount of trails, access roads, Jeep trails,
7 some you can even barely walk on, some horses break their
8 legs on, but they are all trails and usable all the time.
9 We put this quarter mile corridor through here, are these
10 trails going to be blocked off and have limited access? I
11 didn't find that addressed either. And if they are
12 blocked off and limited access, then you have just taken a
13 lot larger portion of the property away from the citizens
14 of the area than the quarter mile corridor.

15 And that also holds true for the ranchers for
16 their historical or their -- not historical, I guess.
17 They haven't been here long enough to be history. But
18 their normal ways of moving their livestock and animals
19 and moving from place to place on their rangeland, grazing
20 land, grazing permits, et cetera.

21 The other one was the corridors, it doesn't
22 address that either, whether the corridors will be fenced,
23 and whether these corridors, if they are fenced, who is
24 going to police them. The fence is just a novelty if you
25 don't have somebody back there to kick you out of it.

1 The other one, just something I would like to
2 have addressed, and addressed to me if you don't want to
3 do it to everybody else, because of the large percentage
4 of this spent nuclear waste coming out, or being stored,
5 how much of it is coming from private industry and are
6 they going to pay their fair share? Knowing full well
7 that 30, 40, 50 years ago we entered into an agreement
8 where they gave into a government insurance policy. With
9 our present rate of inflation and the way we use our
10 money, that money is probably gone.

11 So are they going to be required to up the
12 ante, so to speak, to cover the additional costs of this
13 storage and transportation of spent fuel? I didn't find
14 that in there either.

15 The fair share, by the way, is how much of
16 that is private, and then we also know that we're all
17 going to pay through taxes, DOD, Department of Defense
18 shares, and we're also going to pay for some of the spent
19 fuels that are going to come back here from Korea and
20 Japan and God knows where that we agreed to take back when
21 it was spent.

22 Geez, after living in a house with women, I'm
23 almost out of words. That's it. I'm done.

24 MS. BOOTH: Thank you.

25 MR. LAWSON: Thank you very much. Joseph

1 Carruthers, and to be followed by Bob Halstead.

2
3 PUBLIC STATEMENT OF JOSEPH CARRUTHERS

4 MR. CARRUTHERS: Hello. My name is Joseph
5 Carruthers. I'm the chairman of the Beowawe Crescent
6 Valley Nuclear Waste Awareness Committee. That committee
7 was formed at the request of the residents of our
8 community and this valley and members of this county, and
9 when I first took this approach, I took it in a very kind
10 of approach that you could say yes or no. I wanted to
11 know how the people felt around here about this issue. I
12 didn't want to make their mind up for them. That seemed
13 like the fairest way in a democratic society, to me.

14 And overwhelmingly the people of this
15 community, as you can see in this room tonight, support
16 the issue of not bringing nuclear waste to Nevada.

17 I'm going to go through a few things here
18 first that I want to get on the record that I feel are
19 inadequate, some issues that have not been addressed in
20 the EIS properly. And these are to deal with the fact of
21 socioeconomics for this part of the world. We rely on
22 mining and ranching at this point in this part of the
23 country for survival. This project that you are proposing
24 threatens our way of life forever.

25 One of them is, will mining claims be divided

1 and access restricted? There are many claim holders out
2 here, people who are looking for additional mineral
3 deposits. We feel that it is inadequately addressed in
4 the EIS.

5 Will the Cortez Mine be given its own
6 railroad overpass to continue its daily operations? As
7 one can see on the map on the wall, the corridor goes
8 right through their operations. They have a mill on each
9 side of the valley, and these things are inadequate. They
10 have not been addressed in the EIS, the Draft EIS.

11 And also for the ranchers, and there are many
12 people here in Nevada who are into ranching and that is
13 their way of life and their only way of life, and we are
14 all very concerned on this. Will the grazing allotments
15 be cut up? How will the ranchers be compensated for the
16 lost rangeland?

17 I want to expand on that a little bit. I am
18 very concerned about the issue of water rights and the
19 loss of land in our state.

20 The way I see it, if I was to come to any of
21 your homes and threaten to throw you out or tell you this
22 is what we're proposing to do and make you move away, how
23 would you feel in your hearts? Would you say, oh, God
24 that is okay, go ahead? I don't think so. I really
25 don't.

1 And how would you feel if we were to bury it
2 in your backyard? Obviously, it's your problem. Nevada
3 is not a nuclear-powered state. The eastern states are.

4 I used to live back in the Midwest. I lived
5 near the Byron Power Plant, and I saw what industry and
6 various other things of this nature has done to the
7 waterways and to the environment.

8 Fortunately, that is improving because
9 science is finding out we're making a lot of mistakes in
10 our environment. Unfortunately, the nuclear industry, I
11 guess like any industry, wants to go on and be productive
12 in their viewpoint. But you're continuing to poison our
13 environment, and you're not coming up with a solution to
14 phase it out and get rid of it.

15 You haven't come to us to say, look, you
16 know, we got this much waste to get rid of, we're going to
17 try to find a way to get away from this. You want to make
18 more, and from the hearsay that I'm getting, that you want
19 to intensify it and make sure it doesn't die. I hope
20 that's not true.

21 What I have to say is that we, we the people
22 of Nevada, and that goes for our governor, our senators,
23 over 75 percent of the population of the state, and
24 obviously, the Native American people who do hold
25 ownership to the land, do not want nuclear waste in this

1 state. When you go back to Washington, we ask you, in a
2 nice way this time, to relay that message. We are not
3 going to give up, we are not going to back down. And this
4 is just the beginning.

5 We hope you hear what we're telling you. It
6 is your problem. You have allowed the nuclear industry to
7 continue to do what it is doing and continue to do it to
8 this day. We do not want your problem. You make the
9 problem, you bury it in your backyard, not ours. Thank
10 you.

11 (Applause.)

12 MR. LAWSON: Mr. Halstead, please.

13 MS. BOOTH: Thank you for your comments.

14
15 **FURTHER PUBLIC STATEMENT OF BOB HALSTEAD**

16 MR. HALSTEAD: For the record, I'm Bob
17 Halstead, Transportation Adviser to the State of Nevada
18 Agency for Nuclear Projects.

19 That is another hard speech to follow.

20 Let me briefly tell you about three important
21 safety issues. First, the Nuclear Regulatory Commission,
22 which for better or worse we all have to depend on to try
23 and protect us from the dangers of this highly radioactive
24 material, is now reexamining the report called the Modal
25 Study. Without getting into all the details, this is the

1 big report that the Department of Energy's Draft EIS
2 relies upon primarily for its assessment that
3 transportation is safe.

4 Why is the NRC reconsidering its basic
5 report? First, it's because there are new cask designs
6 being submitted.

7 Secondly, there are improvements in the
8 computer models.

9 But third, it's because the NRC recognizes
10 that the future shipments are going to be radically
11 different from shipments in the past, and they have to
12 reexamine all their basic assumptions.

13 They understand there will be 35 times more
14 spent fuel shipped per year in the future than over the
15 past two decades, eight to 24 times more shipments, 500
16 percent increase in the average shipment distance for
17 rail, 200 percent increase in the average shipment
18 distance for truck, and in the past, 70 percent of all the
19 shipments have been in the East. Now you are going to
20 have shipments coming into the West where you have
21 mountainous terrain, more severe winter weather, and
22 different operating conditions, particularly higher speeds
23 and longer emergency response times.

24 Sadly, the NRC will not complete their
25 reassessment of safety until the year 2003, after the

1 Department of Energy completes its Environmental Impact
2 Statement.

3 Second issue, dedicated trains, what are
4 they? Dedicated trains are trains that haul one cargo
5 only as opposed to big general freight trains that can be
6 a hundred cars long. Everybody in the railroad world,
7 they don't agree on much, they agree that spent nuclear
8 fuel is so dangerous it should only be moved in dedicated
9 trains.

10 That was a big point of discussion at both of
11 the Modal Study meetings I went to three weeks ago in
12 Bethesda, Maryland, and yesterday in Henderson, Nevada.
13 It is the official position of the Association of American
14 Railroads.

15 In fact, the only people who operate against
16 this are the old Southern Pacific, now part of the UP,
17 which has a long-standing agreement with the Navy that for
18 national security reasons, they won't impose dedicated
19 train requirements. But the Navy fuel is much less
20 dangerous in the sense that it's armor because it is
21 designed for combat situations, and it's designed in
22 different casks. And the Southern Pacific and now the UP
23 requires it to be shipped at speeds never higher than 35
24 miles per hour.

25 So everybody in the railroad world disagrees

1 with what DOE is proposing to do. And they believe the
2 dedicated trains should be mandatory.

3 Third issue: How fast should this fuel move?
4 The official position of the Association of American
5 Railroads is maximum speed of 35 miles per hour, and
6 that's when it is in a dedicated train.

7 There is only one deviation from this policy.
8 The Union Pacific has certain tracks where the general
9 freight is moving so fast, often at 75 miles per hour,
10 that the dedicated trains traveling certain segments will
11 have to be moved at 55 miles an hour to get them out of
12 the way of the other faster moving trains.

13 Nobody in the railroad world would argue that
14 you should move this fuel as fast as DOE is proposing.
15 They say up to 50 miles per hour on their spur, which
16 won't be a top notch railroad. It won't have 135 pound
17 per yard rail or concrete ties or top notch signaling
18 systems unless somehow we can force DOE to do that.

19 Again, I would say from the State of Nevada's
20 standpoint, we're not sure there's any safe speed to move
21 this cargo at. But we're certainly against any proposal
22 to move it at a speed faster than 35 miles per hour. And
23 on most stretches of track on a spur, there simply won't
24 be any reason to move it faster. So why would you move it
25 faster than you need to, only I think if you put cost

1 ahead of safety.

2 Thank you very much for the opportunity to be
3 here. I so appreciate seeing this many people at a
4 meeting. This is a wonderful turnout compared to the
5 meetings in bigger cities. If people had had meeting
6 turnouts like this, it would have been a very refreshing
7 situation. And I appreciate all the comments tonight.
8 Thank you.

9 MR. LAWSON: Thank you.

10 (Applause.)

11 MR. LAWSON: That was really quite excellent.
12 I appreciated all those comments. Is there somebody else
13 who would like to speak?

14 MR. HARPER: Yes, I would.

15 MR. LAWSON: We have several people. Okay.
16 And if you would give your name and perhaps spell it also
17 for the reporter, that would be great.

18 **PUBLIC STATEMENT OF CHARLES HARPER**

19
20 MR. HARPER: Charles Harper, H-a-r-p-e-r.

21 Back about 1960, I was a fireman down in
22 California. And all of a sudden my wife and I were
23 driving home, went out to dinner, and news broadcast was
24 on the radio that said that my squadron had been called
25 back to active duty. My wife didn't realize that until I

1 had to explain to her how that was going to happen.

2 And subsequently, they took my squadron and
3 melted it with two other squadrons from Texas and sent us
4 the out to Barbara's Point, Hawaii. From there we went to
5 Christmas Island, 1300 miles south.

6 We were in the middle of the Cuban Crisis,
7 the Wall, all those things that were going on at that
8 time, and our President thought it best to show a bit of
9 strength to the world. We set off 17 atomic bombs out
10 there, and our squadron patrolled the area around it to
11 make sure that shipping and other life was away from the
12 island when the bombs were exploded.

13 I personally saw these 17 bombs within 30
14 miles of us go off. Then they sent me out to Johnson
15 Island, and through infinite wisdom of our government they
16 shot a rocket into space to perform the first atomic
17 explosion into space. I was part of it. I had to do it.
18 It was my job.

19 I have seen a beautiful sight. It is just
20 like watching this rangeland fire out here this last
21 summer. It was beautiful, but it was so destructive, so
22 terribly destructive.

23 Our show of force isn't even mentioned down
24 in Albuquerque at the Atomic Museum. I had a chance to be
25 down there this summer and went through there and looked

1 on the walls with all these different things that
2 happened. It is kind of a neat museum. No mention of
3 Christmas Island, none whatsoever.

4 They took me out of my private job, put me
5 back in the Navy, took a year and-a-half out of my life,
6 to show a show of force that wasn't even recognized. Now
7 we have got a chance to recognize some of this force now.

8 This state does not need any nuclear
9 depository here. It's proven there's fault lines in Yucca
10 Mountain. I was on a tour down at Yucca Mountain. I was
11 amazed.

12 I was going to go through the book and say a
13 lot of things about different things I saw down there.
14 But I was amazed at the amount of money spent, the amount
15 of people working there, to try to prove that this would
16 work, and they are the ones that are saying to me in the
17 background that, no, it ain't going to work, but the
18 government wants to pay me, I'll take the money.

19 Well, folks, I hope this is one thing that we
20 can kill them on. This is the National Environmental
21 Policy Act of 1969. If you read it really close there is
22 a couple of good paragraphs in here that will put Yucca
23 Mountain back to Yucca Mountain and not a Yucca Mountain
24 repository. Thank you.

25 MR. LAWSON: Thank you, sir.

1 MS. BOOTH: Thank you.

2 MR. LAWSON: This gentleman, please. And
3 then you'd like to speak again? Maybe.

4 FROM THE FLOOR: I just want to say one
5 thing.

6 PUBLIC STATEMENT OF CHARLIE VOOS
7

8 MR. VOOS: My name is Charlie Voos. I'm Elko
9 County Community Development Director and not authorized
10 to speak for my commission at this time. But they will be
11 apprised of the situation after tonight.

12 But I can certainly speak as a resident of
13 Elko County. And although everybody here in Crescent
14 Valley has addressed this because of the spur, first fire
15 alarm that goes off in my head and heart is that existing
16 rail line that is going to feed that spur goes through all
17 four major cities in my county. Ninety percent of our
18 population is based on that cargo, that is Wendover,
19 Wells, Elko and Carlin. So right there and then I know
20 that is something that we have to be concerned about.

21 Second point is that the main stopover for
22 our area for crew changes, if that is the case that these
23 trains would require crew changes, is in Elko. That is
24 where all the major trains stop and all the crews stay.

25 If they are allowed to have 48-hour stopover

1 there, that means that our -- these trains with hot loads
2 will be sitting right there in the heart of the downtown
3 area. I can empathize with people having homes up close
4 to these rail lines. But I have an entire 35,000 people
5 right there. And that's a very big concern to us.

6 Lastly, the point is that I realize we know
7 because of these range fires that we have had, we have had
8 a lot of right-of-way fences destroyed. Now our
9 commission has begged three different letters to the
10 railroads to please replace your right-of-way fencing.
11 They haven't responded to us once.

12 So I can imagine what would happen later on
13 here if we had something like this and some right-of-way
14 fencing was destroyed. It would take us forever to get
15 this fencing back up, and God knows what would happen at
16 that point.

17 We have had people killed on our rail lines
18 here in Elko County. And I know there is many many
19 unprotected crossings we have. It goes through some very
20 stiff terrain, goes over the Pequots and so on. High
21 elevations, cold weather.

22 And if something happens, whether it is flash
23 flooding, or snow or something, and these trains are
24 backed up, where do they back up? Are they just going to
25 stop at each one of our main cities and then we're going

1 to have one of these trains sitting at each one of our
2 towns? That is my concern.

3 Like I say, I will address our county
4 commissioners at the next commissioners' meeting, and
5 we'll have further input from them. But at this point as
6 a citizen that's where I'm coming from. Thank you.

7 MR. LAWSON: Thank you.

8 MS. BOOTH: Thank you.

9 MR. LAWSON: Is there anyone else who would
10 like to speak? Did you have a final comment?

11 **FURTHER PUBLIC STATEMENT OF NANCY LOUDEN**
12

13 MS. LOUDEN: I was just concerned about the
14 range fires. They are really awesome.

15 MR. LAWSON: For the record, could you give
16 your name again? Just to make sure we get it down
17 correctly.

18 MS. LOUDEN: Nancy Louden.

19 I was just concerned about the range fires
20 because they are really bad here sometimes. And I think
21 maybe that might be a danger if there was a train out
22 there and it couldn't get through, it would have to stop,
23 or a lightning strikes and all of a sudden there is a
24 fire. If there is wind, like we have really bad winds, I
25 don't know if that's going to be a danger or not. But

1 that might be something that you should think about.

2 MR. LAWSON: Okay. Very good.

3 MS. BOOTH: Thank you.

4 MR. LAWSON: Thank you all. Is there anybody
5 else that would like to make a comment? Yes, sir, please.

6
7 **PUBLIC STATEMENT OF BRUCE DENNING**

8 MR. DENNING: My name is Bruce Denning. I
9 live about four miles north of town here. I'm one of
10 Charlie's neighbors.

11 This is the Crescent Valley Public Water
12 Supply Water Quality Report I turn in for evidence. The
13 water is very clean here. We don't have to chlorinate it.
14 That is the way we want to keep it.

15 I got this in the mail today from Cattlemens
16 Title Company, who hold most of the paper, mortgages and
17 so forth for the property owners in the valley. You are
18 all practically all clients of Cattlemens Title. Little
19 information that they sent along about the progress of the
20 valley for the benefit of their title holders.

21 And working with the meeting and so forth, my
22 main concern was with the fire rescue, emergency service,
23 medical. Regarding to this incident with the railroad, I
24 was talking to a Nevada Highway Patrolman, and I asked
25 him, I says, do you people carry monitors for checking

1 these low level waste trucks that are on the highways?
2 And he told me, Well, we used to but they took them away
3 from us because they couldn't keep them calibrated. So
4 they took them away from us.

5 That's not too cool. That's what I was
6 wondering, if and when we would be able to have monitoring
7 devices, because we're on site and we're here where it's
8 going to take Hazmat, FEMA, or any other agency a long
9 time to get to us. We need to take a radiation check
10 immediately to know whether it is a clear area. I was
11 interested in knowing would they take and provide the
12 devices, the training for the people, then back us up when
13 we need to use that equipment.

14 And lastly, common sense knows that the only
15 way to handle this radioactive waste is the most dangerous
16 part of it is in movement of it. So don't move it. I'm
17 hoping that they will keep it on site for the first
18 hundred years, giving themselves time to take and develop
19 new and better ways of handling the radioactivity problem,
20 and basically find a way of disposing it. At least it
21 will be a little bit safer to handle. And they could take
22 the money that they are wasting on Yucca Mountain and
23 improve the on-site storage facilities, enlarging them as
24 necessary. Hopefully that's what they will do.

25 That's all I have.

1 MR. LAWSON: Thank you very much.

2 MS. BOOTH: Thank you.

3 MR. LAWSON: Did I see another hand going up
4 over here? Miss Johnson.

5
6 PUBLIC STATEMENT OF ABBY JOHNSON

7 MS. JOHNSON: My name is Abby Johnson,
8 J-o-h-n-s-o-n.

9 I have a couple of comments to make as
10 nuclear waste adviser to Eureka County and a couple of
11 comments to make as Abby Johnson, citizen of Nevada.

12 I think I'll start out with the citizen
13 comments. I have been involved in the nuclear waste issue
14 since 1983, and on and off in the intervening years I have
15 been involved because it's an issue that's challenging,
16 complex, and so important to the future of the country and
17 the future of Nevada.

18 I remember, and I don't remember what year it
19 was, but in the mid '80s, I think at the time DOE did a
20 series of environmental assessments going from the nine
21 sites to five to three to one, I remember testifying in
22 the Jot Travis Student Union in Reno, and the thing I
23 remember from my testimony was saying that a chain is only
24 as strong as its weakest link. At the time I was saying
25 that transportation was the weakest link.

1 I don't think that's really changed. Here we
2 are in 1999, and we don't know that much more about
3 transportation than we did in 1986 or '85. I think that's
4 a real problem.

5 But I think in addition to that, there are
6 some other links that are pretty darn weak, too. Back in
7 1985, it looked like Yucca Mountain was a great place if
8 we could only get it there. And it was more important to
9 have the great place than it was getting it there.

10 And now, it's still hard to get it there, and
11 it still is very risky, and then you get it there, and it
12 doesn't look so good either. It looks like there is a lot
13 of risk being taken there, too.

14 The other personal comment is the need to pit
15 rural people and urban people against each other, and to
16 say we have to avoid Las Vegas, so the rurals need to take
17 the impact. I think that it's an unfair, inequitable and
18 unsafe proposition to do the roll of the dice, the risk
19 analysis that says that the rurals have to take the risk
20 because it's too unsafe for urban areas. We're all
21 citizens here. We're all in the same boat.

22 And this EIS with its bounding analysis says
23 let's look at what we can do to the urban area, and that's
24 the worst thing we could do. The rurals are the backup
25 position. And that's not right. It's wrong. And it

1 shouldn't happen.

2 Now I have two comments as nuclear waste
3 advisor. And this is a comment not on the DOE, it is to
4 DOE, but it is not on the DEIS. It's a message that I
5 hope by now you have heard clearly from this community and
6 from this county. And that is that we have a lot of
7 people that are very interested in this issue. They are
8 hungry for information.

9 And they come to me to get that information.
10 I need to feed them information. And so the message that
11 I would like you to take back is that, yes, at least in
12 Eureka County, in Crescent Valley, there are people who
13 are really concerned, who really care, who really want to
14 know what's going on. And so as I tell all federal
15 agencies, when you are scheduling meetings, it would be
16 great if you could, federal government, talk to each other
17 so that we do not have meeting conflicts.

18 Unfortunately, it was the Nuclear Regulatory
19 Commission who yesterday scheduled a meeting on the modal
20 study, already knowing that this meeting was being
21 scheduled for today and that the Austin meeting was
22 scheduled for Tuesday. We were not able to be represented
23 at the Nuclear Regulatory Commission's modal study meeting
24 because we had to be here. And Department of Energy was
25 on the calendar first.

1 There are other times when Department of
2 Energy is on the calendar second, and I'm just saying,
3 there's got to be enough days in the year so we can get to
4 all of these meetings.

5 The other comment I'd like to make I guess
6 both as a person and as a nuclear waste advisor is that it
7 has just been incredible to advise and help this group of
8 people to be able to express themselves in these meetings,
9 and I am so impressed with the quality of the comments,
10 the depth of the comments, and the heart of the comments.
11 So I just want to tell you what a privilege it's been to
12 be involved in this process, which is of course not ending
13 but is ongoing. Thank you.

14 MR. LAWSON: Thank you.

15 (Applause.)

16 MS. BOOTH: Thank you, Abby.

17 MR. LAWSON: Is there anyone else who would
18 like to speak? Please.

19 PUBLIC STATEMENT OF KEVIN JACKSON
20

21 MR. JACKSON: My name is Kevin Jackson, and
22 while I was sitting back here listening to all these
23 comments, I felt that I should get on the record and
24 reiterate what I said earlier in a question format
25 regarding the support services for the emergency

1 responders who may be called to the incident of a train
2 accident, whether it be a derailment or whether it be a
3 train, person, or vehicle.

4 I volunteer for the Crescent Valley Fire
5 Department because I care about everyone in this
6 community. Even more importantly, I care about my
7 brothers and sisters on the Fire Department and the EMS
8 service.

9 And because of that concern, I am even more
10 concerned about their welfare, if they should become
11 involved in a nuclear accident, or exposure. And I wonder
12 what provisions are going to be provided for that family
13 and the loss of income while that member is going through
14 treatment and possibly even long-term treatment that may
15 end his career. These are very important issues to my
16 people.

17 And I don't believe the answer that I got
18 tonight was a sufficient answer to respond to that. My
19 initial feeling on that was it was a typical government
20 nonresponsive answer. Thank you.

21 MS. BOOTH: Thank you.

22 MR. LAWSON: How are we doing? Anyone else?

23 Okay. Well, we will be here for another 15
24 minutes in case somebody changes his or her mind.

25 I would like to echo what Miss Johnson said.

1 I was very impressed, and before we go, somebody of us
2 visitors has to tell you how much we appreciate you as
3 hosts and hostesses in your community today. Certainly
4 what a fine facility we have been able to use. We really
5 appreciate that.

6 As a facilitator, I want to tell you how much
7 I appreciate the respect with which you have dealt with
8 this issue. I know that it's an emotional one for many
9 people, and for you to follow the suggested guidelines and
10 allow everybody to speak and with respect is very much
11 appreciated by everybody, and certainly by me.

12 I'd like to thank all of you once again for
13 your participation, thank the DOE, and certainly Eric
14 Nelson as the court reporter.

15 I'm going to take a recess now, and we will
16 reconvene if somebody else would like to speak, or we will
17 adjourn finally at 10:00 o'clock. Thank you very much for
18 your participation. It was a pleasure to meet and good
19 luck to you. Thank you.

20 (Recess taken at 9:44 p.m.)
21
22
23
24
25

CRESCENT VALLEY, THURSDAY, DECEMBER 9, 1999

9:57 P.M.

-oOo-

MR. LAWSON: It's now about three minutes to ten, and there has been nobody else who has stepped forward to speak. I'd like to close this meeting but once again thank everybody for hosting and participating in the meeting, and especially for the court reporter who has done a really outstanding job.

Thank you very much. This meeting is now adjourned.

(Meeting adjourned at 9:57 p.m.)

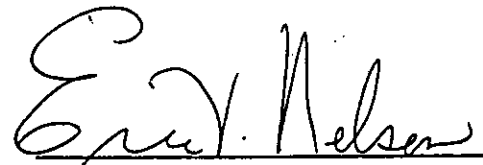
STATE OF NEVADA,)
) ss.
COUNTY OF WASHOE.)

I, ERIC V. NELSON, Certified Court Reporter
and a notary public in and for the County of Washoe, State
of Nevada, do hereby certify:

That I was present at the hearing of the
Department of Energy on the Draft Environmental Impact
Statement on Thursday, December 9, 1999, and thereafter
took stenotype notes of the proceedings, and thereafter
transcribed the same into typewriting as herein appears;

That the foregoing transcript is a full, true
and correct transcription of my stenotype notes of said
proceedings.

Dated at Reno, Nevada, this 14th day of
December, 1999.



ERIC V. NELSON, CCR #57

February 28, 2000

**Comments of Eureka County, NV
on
DEIS for a Geologic Repository for the
Disposal of Spent Nuclear Fuel and High-Level Radioactive Waste
at Yucca Mountain, Nye County, NV
(DOE, July 1999)**

EXHIBIT J

**Letter to Wendy R. Dixon, EIS Project Manager, DOE,
from Eureka County's Local Emergency Planning Committee (LEPC),
January 19, 2000**

Local Emergency Planning Committee

PO Box 191
Eureka, NV 89316
Tele: 775-237-5263 Fax: 775-237-5614
January 19, 2000

Wendy R. Dixon, EIS Project Manager
Yucca Mountain Site Characterization Office
Office of Civilian Radioactive Waste Management
U.S. Department of Energy
P.O. Box 30307, Mail Stop 010
North Las Vegas, Nevada 89036-0307

RE: Comment on the Draft Environmental Impact Statement for a Geologic Repository for Spent Nuclear Fuel and High-Level Radioactive Waste at Yucca Mountain (DOE, July 1999)

Dear Ms. Dixon:

The Eureka County Local Emergency Planning Committee is deeply concerned that the Draft Environmental Impact Statement (DEIS) lacks information, analysis and mitigation measures regarding emergency response and emergency management as it relates to the transportation of high-level nuclear waste shipments. Most specifically, we are concerned that the DEIS does not address the potential impacts to Eureka County emergency services and emergency management activities due to the proposed Carlin rail corridor alternative.

The Draft EIS does not address the impacts on local governments for emergency management and response activities necessary to deal with potential radiological accidents during transportation. There is not analysis or discussion of the potential activities and costs needed during all phases of emergency management and response including mitigation, preparedness, response and recovery phases.

We believe that emergency management impacts should include the following general items:

- Need for emergency management planning
- Improvement/revision of the County Emergency Operations Plan
- Preparation/improvement of local emergency plans
- Preparation/improvement of evacuation and transportation planning
- Improvement of resource lists
- Need for emergency public information and education programs for potentially affected populations
- Need for cooperative aid agreements
- Need for contractual agreements for response services

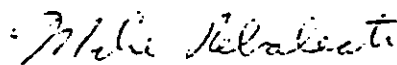
Wendy R. Dixon, EIS Project Manager
January 19, 2000
Page.2

- Costs for:
- Emergency management planning improvements
- Emergency management program improvements
- Emergency response training and equipment
- Emergency response personnel
- Emergency response actions
- Recovery activities and costs
- Contracted emergency response services (i.e., private emergency response teams)

The description of rail line operations is vague and incomplete; particularly regarding safety and emergency actions necessary for response to accidents. Additionally, the Draft EIS does not address the fact that local emergency resources are scarce in most of the area impacted by the Nevada transportation alternatives, with the possible exception of Clark County. The scarcity of resources may increase the severity of injury and negative impacts of any transportation accidents or incidents.

Since Eureka County is a small rural jurisdiction, we are greatly concerned regarding the increased risks the project presents to our paid law enforcement personnel and volunteer fire and rescue personnel. We do not believe the DEIS adequately addresses the need for and measures necessary to mitigate the impacts that will occur due to the proposed action and more specifically, the Carlin rail alternative.

Sincerely,



Mike Rebaleati, Chairman

cc: Eureka County Board of Commissioners
Leonard Fiorenzi
Abigail C. Johnson